

Exhibit 120-TR

Part 2 of 3



= Plaintiffs' provisional redactions ("ppr") of content of this videotaped deposition and its transcript, made subject to Plaintiffs' reservation of rights to challenge later. ECF No. 9885.

[REDACTED]

This Transcript Contains Confidential Material

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 - - -

4 IN RE: TERRORIST ATTACKS : 03-MDL-1570
5 ON SEPTEMBER 11, 2001 : (GBD)(SN)

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10 JUNE 10, 2021

11 VOLUME II

12 THIS TRANSCRIPT CONTAINS
13 CONFIDENTIAL MATERIAL

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16 Continued Remote Videotaped
17 Deposition, taken via Zoom, of OMAR
18 AL-BAYOUMI, commencing at 7:07 a.m., on
19 the above date, before Amanda
20 Maslynsky-Miller, Certified Realtime
21 Reporter and Notary Public in and for the
22 Commonwealth of Pennsylvania.

23

24 - - -

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I N D E X
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Testimony of: OMAR AL-BAYOUMI

By Mr. Pounian 262

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E X H I B I T S
- - -

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DEPOSITION SUPPORT INDEX

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None

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- - -

2

(It is hereby stipulated and

3

agreed by and among counsel that

4

sealing, filing and certification

5

are waived; and that all

6

objections, except as to the form

7

of the question, will be reserved

8

until the time of trial.)

9

- - -

10

VIDEO TECHNICIAN: We are

11

now on the record. My name is

12

David Lane, videographer for

13

Golkow Litigation Services.

14

Today's date is June 10th, 2021,

15

and our time is 7:07 a.m. Eastern

16

Standard Time.

17

This remote video deposition

18

is being held in the matter of the

19

Terrorist Attacks on September

20

11th, 2001. Our deponent today is

21

Omar al-Bayoumi.

22

All parties to this

23

deposition are appearing remotely

24

and have agreed to the witness

1 being sworn in remotely.

2 Due to the nature of remote
3 reporting, please pause briefly
4 before speaking so that all
5 parties are heard completely.

6 Our counsel will be noted on
7 the stenographic record. The
8 court reporter today is Amanda
9 Miller.

10 I want to remind the witness
11 and the interpreters you're still
12 under oath from yesterday.

13 - - -

14 RODINA MIKHAIL and MARWAN
15 ABDEL-RAHMAN were previously duly
16 sworn to translate questions from
17 the English language to the Arabic
18 language and the answers from the
19 Arabic language to the English
20 language.

21 - - -

22 OMAR AL-BAYOUMI, after
23 having been previously duly sworn,
24 was further examined and testified

1 as follows:

2 - - -

3 VIDEO TECHNICIAN: Please
4 begin.

5 MS. PRITSKER: Good morning,
6 this is counsel for Dubai Islamic
7 Bank. I just want to quickly note
8 that we were excluded from the
9 deposition yesterday, June 9th,
10 2021, at approximately 2:36 p.m.
11 until the deposition adjourned
12 yesterday.

13 Moving forward, we plan to
14 note the beginning and end of our
15 exclusion so that we have a clear
16 record. Therefore, we ask that
17 the Zoom operator does not remove
18 us or close the record before we
19 are able to do so.

20 We are now being -- DIB
21 counsel is now being excluded from
22 the deposition for FBI protected
23 testimony.

24 Thank you.

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- - -

2

EXAMINATION

3

- - -

4

- Filed publicly -
Pls. Ex. 384
(MPS43_217)

MR. POUNIAN: Could we put

5

up Exhibit-493, please?

6

VIDEO TECHNICIAN: Steve,

7

you're going to go on the FBI

8

record right away?

9

MR. POUNIAN: I am, yes.

10

VIDEO TECHNICIAN: I'm going

11

to move everyone into the FBI room

12

now. One moment, please.

13

- - -

14

(FBI Protected Material.)

15

- - -

16

MR. SHEN: Steve, can you

17

read out the Bates number?

18

MR. POUNIAN: 1338, FBI.

19

VIDEO TECHNICIAN: Okay.

20

Everyone is in now.

21

BY MR. POUNIAN:

22

Q. All right.

23

MR. POUNIAN: Can we show

24

the witness the document in

1 Arabic, please?

2 BY MR. POUNIAN:

3 Q. Sir, good afternoon.

4 Is this your handwriting on
5 this document?

6 A. Yes.

7 Q. And it's a letter you
8 prepared to Saad Al Habib?

9 A. Yes.

10 Q. How did you send it to him?

11 A. I don't remember. Perhaps
12 via fax.

13 Q. And it says, Please reply
14 urgently, at the top.

15 A. Yes.

16 Q. What was urgent that you
17 needed to raise with Mr. Habib?

18 A. Okay. So we did have a
19 problem regarding the speech, the Friday
20 speech.

21 Q. What was the problem?

22 A. So the problem was the
23 preacher would give the speech in Arabic
24 and also the prayer, and the community

1 could not understand but Kurdish and
2 English. So this was an issue because
3 the community here wanted it in either
4 Kurdish or English.

5 And the other issue is they
6 wanted the speeches in the mosque -- in
7 the masjid to be in Arabic, English and
8 Kurdish all at the same time. And that
9 would take -- that would consume a lot of
10 time for the speech.

11 And so I told him that he
12 has to speak with the brothers, and then
13 after that inform me of what's going to
14 transcend.

15 Q. And was this Mr. Sadhan and
16 Mr. Sudairy that you're referring to?

17 A. I don't understand the
18 question.

19 What are the names, sir?

20 Q. What was the preacher that
21 you were referring to who gave the
22 khutbah?

23 MR. SHEN: Your interpreter
24 is frozen.

1 MR. POUNIAN: Let's go off
2 the record.

3 VIDEO TECHNICIAN: We're
4 going to go off the record, 7:13
5 a.m.

6 - - -
7 (Whereupon, a brief recess
8 was taken.)

9 - - -
10 VIDEO TECHNICIAN: Back on
11 the record, 7:14 a.m.

12 BY MR. POUNIAN:

13 Q. Sir, who was the preacher
14 that you were referring to who gave the
15 khutbah?

16 A. So I did not mean Mutaeb,
17 because these were temporary, only during
18 the month of Ramadan. I meant in the
19 long-term. I did not want a Hadid to be
20 present giving the khutbah in Arabic
21 while these people in the community
22 needed it in Kurdish or English.

23 MR. BEETAR: Just to add
24 something. He said Mutaeb and

1 Adel. Mutaeb and Adel Sudairy.
2 She mentioned only one, but he
3 mentioned both of them.

4 INTERPRETER MIKHAIL: Okay.

5 MR. SHEN: He said, I did
6 not want a Hadid present. What is
7 a Hadid?

8 INTERPRETER MIKHAIL: Hadid,
9 the preacher.

10 MR. SHEN: Thank you.

11 MR. POUNIAN: If we just
12 highlight just your -- the last
13 two lines of the letter before the
14 phone number, the two phone
15 numbers there, if we can do that.

16 BY MR. POUNIAN:

17 Q. Sir, you state, The mosque
18 was their base and I coordinated with
19 their superiors.

20 Who are the superiors that
21 you coordinated with?

22 MR. SHEN: Mr. Bayoumi, have
23 you had a chance to look at the
24 letter and read it? If not,

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1 please read the letter before you
2 answer questions.

3 THE WITNESS: What I mean by
4 base is that the masjid would be
5 their base, their place of
6 presence. We usually do have five
7 prayers, and any Imam would be
8 present during one of the prayers.
9 Any Imam that would be there would
10 continue to be present.

11 BY MR. POUNIAN:

12 Q. And who were the superiors
13 that you're referring to in this letter?

14 A. Which superiors? Superiors
15 where at?

16 Q. It states, The mosque was
17 their base, I coordinated with their
18 superiors.

19 Who were those superiors?

20 MR. SHEN: Objection.

21 Objection to the translation. Our
22 translation does not say
23 superiors.

24 I don't know if you're

1 reading it in your -- you're
2 translating from the Arabic or
3 you're translating Steve's --

4 MR. POUNIAN: Obviously, I'm
5 not translating from the Arabic.
6 I'm reading --

7 MR. SHEN: I'm not asking
8 you. I'm asking the translator
9 whether she's reading from the
10 letter or she's translating the
11 word "superior."

12 INTERPRETER MIKHAIL: No.
13 The interpreter is being
14 consistent with the language used
15 in the question.

16 It's also mentioned in the
17 English translation on the Arabic
18 letter, superiors.

19 MR. SHEN: I see that. Our
20 translation is different.

21 So objection to the
22 translation and --

23 INTERPRETER MIKHAIL: It can
24 be responsible supervisors or

1 higher-ups, it really depends on
2 the context.

3 MR. SHEN: Understood. If
4 you could read the Arabic in the
5 actual letter, please.

6 INTERPRETER MIKHAIL: Yes.

7 So the question is, who are
8 the superiors or who are those
9 responsible?

10 THE WITNESS: Superiors here
11 meaning those who are responsible,
12 those who go to the mosque, say,
13 those who go to the mosque, the
14 Masjid Khattab, Abu Bakr, meaning
15 those who go to the mosque -- to
16 the masjid figure out who are
17 those who are responsible.

18 And also the Masjid of
19 Uthman.

20 BY MR. POUNIAN:

21 Q. This states that the mosque
22 was their base.

23 Who was "their"? Who was --
24 whose base was the mosque, according to

1 what you wrote here?

2 A. What I mean by -- what I
3 mean by base is we have five prayers and
4 also lectures. So the person that gives
5 the lecture can go give a lecture here
6 and then go give a lecture in another
7 masjid, but they, at the end of the day,
8 they come and pray the prayer of Taraweeh
9 in this masjid.

10 What I mean is -- by it
11 being the base is that's the masjid that
12 they end up at, that's their base.
13 That's where they end up after they go
14 and give the lectures here and there,
15 this is their base, this is where they
16 come at the end of the day.

17 Q. And you're talking about
18 Mutaeb al-Sudairy and Adel Al Sadhan,
19 right?

20 A. Yes.

21 Q. And you coordinated with the
22 embassy and with Fahad al-Thumairy
23 regarding their visit; isn't that true?

24 MR. SHEN: Objection to

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1 form. States facts not in
2 evidence.

3 THE WITNESS: So I did not
4 coordinate with them specifically
5 by name. I would ask them just
6 the propagators, but it was not
7 personal coordination.

8 BY MR. POUNIAN:

9 Q. All right.

10 MR. POUNIAN: Let's show the
11 witness, again, Exhibit-445,
12 please. And if we could just
13 highlight the last paragraph
14 there. Just the last paragraph in
15 the Arabic.

16 BY MR. POUNIAN:

17 Q. Didn't you say, sir, to the
18 Minister of Islamic Affairs, Thank you to
19 Mr. Sowaillem and thank you to Mr.
20 Thumairy for their coordination of the
21 trip of Mr. Sudairy and Mr. Sadhan?

22 MR. SHEN: Objection to
23 form. Misstates the document.

24 THE WITNESS: Generally,

- Filed publicly -
Pls. Ex. 416
(KSA7591)

1 when somebody comes to visit
2 and -- we thank everybody who is
3 involved. We would thank the
4 Minister, the Minister of Islamic
5 Affairs. We would thank Sheikh --
6 Abdulaziz, or anybody who was
7 involved. Say when somebody comes
8 to do the Taraweeh prayers, we
9 thank them by name. But we call
10 the embassy and they would say,
11 oh, it would be so-and-so Sheikh
12 and they give the name.

13 Later on -- we get the name
14 and later on we thank those
15 involved by the name.

16 BY MR. POUNIAN:

17 Q. You thanked Khalid Al
18 Sowailem and Fahad al-Thumairy for the
19 coordination they did for the trip of
20 Sadhan and Sudairy; isn't that right?

21 MR. SHEN: Objection to
22 form. Asked and answered.

23 Watch your tone, Steve.

24 MR. POUNIAN: Nothing wrong

1 with my tone. I'm just asking a
2 question.

3 MR. SHEN: There is. It's
4 being recorded.

5 MR. POUNIAN: You can listen
6 to it again, and there will be
7 nothing wrong with it.

8 MR. SHEN: You've asked --
9 that question has been asked and
10 answered.

11 INTERPRETER MIKHAIL: The
12 interpreter will repeat the
13 question in Arabic for the
14 witness.

15 THE WITNESS: No, I do not
16 know about their trip. What I
17 know is in general we thank
18 anybody who comes and visits. But
19 about their trip in specific, I'm
20 unaware.

21 BY MR. POUNIAN:

22 Q. And you thanked Fahad
23 al-Thumairy.

24 What was his involvement in

1 the trip of Mr. Sadhan and Mr. Sudairy?

2 MR. SHEN: Objection to the
3 prefatory statement. Misstates
4 his testimony. Misstates the
5 record.

6 You can answer.

7 INTERPRETER MIKHAIL: Asking
8 for the interpreter to repeat the
9 question. The interpreter will
10 repeat the question.

11 THE WITNESS: No, I do not
12 know. But they were part of the
13 group that got us a Hatip or
14 somebody to preach during the
15 month of Ramadan.

16 BY MR. POUNIAN:

17 Q. And that group included
18 Fahad al-Thumairy?

19 MR. SHEN: Objection to
20 form.

21 THE WITNESS: Yes, his name
22 is mentioned herein.

23 BY MR. POUNIAN:

24 Q. How did you send this to the

This Transcript Contains Confidential Material

1 Minister of Islamic Affairs, this letter?

2 A. I do not remember exactly.

3 Q. Well, there's a fax header
4 on this letter.

5 Do you see that, sir?

6 A. Possibly, yes, fax. It's
7 possible.

8 Q. And did you have a fax at
9 the mosque where you had an office?

10 A. Yes, I think there was a
11 fax. At the beginning there was a fax.

12 Q. Okay.

13 MR. POUNIAN: Can we go back
14 to Exhibit-493, please? If we
15 could just highlight the last
16 paragraph there.

17 And could I just ask the
18 interpreter to read the first
19 sentence in the Arabic, please, of
20 that last sentence -- of that last
21 paragraph?

22 INTERPRETER MIKHAIL:

23 (Complies with request.)

24 BY MR. POUNIAN:

1 Q. Can you tell us, sir, what
2 you meant by "to take the disc from the
3 baker"?

4 A. So the word (foreign
5 language spoken) or (foreign language
6 spoken) in Arabic is wrongly translated
7 to this. It means bread, a loaf of
8 bread.

9 Q. So what did you mean here,
10 sir?

11 A. Okay. Should I explain this
12 idiomatic expression? Please allow me.

13 Q. What did you mean by the
14 sentence that you put in the letter here,
15 sir?

16 MR. SHEN: He wasn't done
17 with his answer, Steve.

18 MR. POUNIAN: He's asking a
19 question.

20 MR. SHEN: He said, please
21 allow me to explain. And then you
22 interrupted him.

23 MR. POUNIAN: He said, what
24 do you mean by that? He was

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1 asking me a question.

2 THE WITNESS: Okay. So this
3 is an idiomatic expression in
4 Arabic. And what it means, take
5 the bread from the baker, meaning
6 when you want bread, you don't go
7 and buy from the store, you get it
8 directly from the baker, from the
9 origin.

10 And if you want the news
11 from the origin, you want a
12 correct news, you get them from
13 the person involved, Omar
14 Hammerman, Mutaeb --

15 INTERPRETER MIKHAIL: And I
16 need to ask the witness about the
17 third name.

18 THE WITNESS: -- and Adel.

19 BY MR. POUNIAN:

20 Q. Why Omar Hammerman?

21 A. He was with us. Omar was
22 with us. And he knows Saad Habib.

23 (In English) And he was in
24 Saudi Arabia.

This Transcript Contains Confidential Material

1 Q. So he was at the mosque --
2 he was at the mosque over Ramadan, and
3 then he traveled to Saudi Arabia; is that
4 correct?

5 A. Correct.

6 MR. POUNIAN: If we could
7 put Exhibit-521 in front of the
8 witness. Actually -- okay. Thank
9 you. Look at the Arabic side.

10 BY MR. POUNIAN:

11 Q. Is this -- is this your
12 handwriting, sir?

13 MR. SHEN: Steve, hold on.
14 What's the Bates number?

15 MR. POUNIAN: I'm sorry,
16 what?

17 MR. SHEN: Bates number,
18 please.

19 MR. POUNIAN: 1292.

20 MR. SHEN: Thank you.

21 THE WITNESS: (In English)
22 What's the question?

23 (Through Interpreter) Yes.

24 BY MR. POUNIAN:

- Filed publicly -
Pls. Ex. 12BB
(MPS688_2)

This Transcript Contains Confidential Material

1 Q. And did Mutaeb al-Sudairy
2 give you his contact information?

3 A. (In English) Yes. When he
4 come, yes.

5 Q. And when did you get this
6 from Mutaeb al-Sudairy?

7 A. (In English) When he come,
8 when he arrive.

9 (Through Interpreter) When
10 he came, when he arrived.

11 MR. POUNIAN: Show the
12 witness Exhibit-523, please. It's
13 FBI 1303.

14 BY MR. POUNIAN:

15 Q. Sir, is the -- the phone
16 number in the Arabic here, is this your
17 handwriting?

18 A. Yes.

19 Q. And what does this note say,
20 sir?

21 A. Just the name.

22 Q. Just the name of what?

23 A. (In English) A person who
24 wants to study in --

- Filed publicly -
Pls. Ex. 12BB
(MPS688_13)

This Transcript Contains Confidential Material

1 (Through Interpreter) The
2 name of a person who studies in England.

3 Q. And who is the person?

4 A. (In English) I don't know.
5 His name is here, but I don't know him.

6 Q. Do you recall what this note
7 is about, sir?

8 A. No.

9 MR. POUNIAN: All right.
10 Can we show the witness FBI 1331,
11 please? This is FBI 1331 through
12 1337.

13 MR. SHEN: What's the
14 exhibit?

15 MR. POUNIAN: What exhibit
16 number is this now? 693.

17 - - -

18 (Whereupon, Exhibit
19 al-Bayoumi-693, FBI 1331-1337 and
20 FBI 1367-1368, was marked for
21 identification.)

22 - - -

- Filed publicly -
Pls. Ex. 679B (MPS2023-095)
and
Pls. Ex. 11N (MPS999x_4017_5)

23 MR. POUNIAN: This is a --
24 can we go to Page PDF 7 of this,

1 1337?

2 BY MR. POUNIAN:

3 Q. Is this a notebook of yours,
4 sir, that you had obtained at one time?

5 MR. SHEN: Objection.

6 Steve, that's an unfair question.
7 It's a generic cover. You have to
8 let him see the document.

9 MR. POUNIAN: I will show
10 him the document.

11 MR. SHEN: So show him the
12 document first, and then you can
13 ask him the question.

14 MR. POUNIAN: I'm just --
15 let me ask the questions, Andy.
16 And you can have a chance to ask
17 questions after I do.

18 MR. SHEN: And it's an
19 objection because you're not
20 allowing the witness to --

21 MR. POUNIAN: That's fine.
22 That's fine. You can object.

23 You're making all these
24 speaking objections which are

1 improper.

2 MR. SHEN: It's not a
3 speaking objection. You have to
4 allow the witness --

5 MR. POUNIAN: It is a
6 speaking objection.

7 MR. SHEN: -- to see the
8 document before you ask questions.

9 MR. POUNIAN: You're
10 speaking. All you need to do is
11 object.

12 If I could just show you
13 first -- let me see, Page 1332,
14 after this, sir, which is PDF 2,
15 the second PDF page.

16 BY MR. POUNIAN:

17 Q. Let me ask, just, questions
18 about this.

19 Is this your handwriting,
20 sir, on this page?

21 A. (In English) Yes.

22 Q. And there's an address
23 there, [REDACTED] Baltimore Drive, [REDACTED] La Mesa,
24 California.

This Transcript Contains Confidential Material

1 What is that address?

2 A. (In English) I have no idea.

3 (Through Interpreter) I do
4 not remember.

5 Q. And there's a name
6 underneath the address?

7 A. (In English) Just notes.

8 Q. Notes that you made, sir?

9 A. Just notes on a paper on
10 which I can write anything.

11 Yes. It is in my
12 handwriting, yes.

13 Q. And who is Mushir Shinto?

14 A. (In English) I don't know.

15 (Through Interpreter) I do
16 not know.

17 Q. And then there's a name
18 underneath that Fahad Abdullah Bakhatib.

19 Who is that, sir?

20 A. (In English) I don't know.

21 Q. And there's another name
22 under that, Mohammad Bushnak, 19 years.

23 What does that mean?

24 A. I do not remember.

1 Q. And if I can show you again
2 PDF 7, this was found as part of this
3 notebook.

4 Was this your notebook, sir?

5 MR. SHEN: What's the Bates
6 number of all this stuff that
7 you're showing?

8 MR. POUNIAN: I already gave
9 it to you. It's --

10 MR. SHEN: You gave me the
11 front page. This is -- you said
12 PDF 7, whatever that is.

13 MR. POUNIAN: No, I did give
14 the Bates number, Andy. I said
15 1331 through 1337.

16 MR. SHEN: And this is what
17 page? 1331?

18 MR. POUNIAN: This is 1337.

19 THE WITNESS: I do not know.

20 MR. POUNIAN: Let's go back
21 to PDF 3, please.

22 BY MR. POUNIAN:

23 Q. This is the second page in
24 the notebook.

1 Sir, do you recognize the
2 handwriting on this page?

3 MR. SHEN: Bates number on
4 this document?

5 MR. POUNIAN: This is Page
6 1333.

7 THE WITNESS: Yes.

8 BY MR. POUNIAN:

9 Q. And there's a note at the
10 top here in Arabic.

11 What does that say, sir?

12 A. Just a note. Call Ibrahim.

13 Q. And who is Ibrahim?

14 A. I do not know.

15 Q. And then there's another
16 note here in English and Arabic beneath
17 that.

18 What does this mean? It
19 says, July, and then it has some Arabic
20 words.

21 A. (In English) I don't
22 remember.

23 (Through Interpreter) I
24 don't remember.

1 Q. What does it say, sir?

2 A. To the end of July.

3 Q. And does it mention
4 something about a trust amount?

5 A. I don't remember.

6 Q. What does it say?

7 MR. SHEN: Can you put up
8 the English translation?

9 MR. POUNIAN: I don't have
10 an English translation right now.

11 MR. SHEN: The deposition
12 protocol says that if you use an
13 Arabic language document, you need
14 to show us the translation.

15 BY MR. POUNIAN:

16 Q. Sir --

17 MR. SHEN: Why don't you get
18 a translation and then come back
19 to this document?

20 BY MR. POUNIAN:

21 Q. Sir, there's an amount of
22 1,400 pounds mentioned here.

23 Do you see that?

24 MR. SHEN: Object to

This Transcript Contains Confidential Material

1 proceeding with this document
2 without providing an English
3 translation.

4 BY MR. POUNIAN:

5 Q. Sir, what is the 1,400
6 pounds a reference to?

7 A. I do not know.

8 Q. And there's a mention of 150
9 pounds.

10 A. I do not know.

11 Q. And there's an address here,
12 sir.

13 Do you know that address?

14 A. Birmingham.

15 Q. And is that an address that
16 you're familiar with in Birmingham?

17 A. I do not know. Perhaps that
18 was my address in Birmingham. I do not
19 know.

20 Q. You don't remember whether
21 that was your address in Birmingham?

22 A. (In English) No.

23 (Through Interpreter) No.

24 MR. POUNIAN: [REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]

- - -

[REDACTED]

[REDACTED]
[REDACTED]

- - -

BY MR. POUNIAN:

Q. [REDACTED]

[REDACTED]

MR. SHEN: [REDACTED]

[REDACTED]
[REDACTED]

MR. POUNIAN: [REDACTED]

[REDACTED]

THE WITNESS: [REDACTED]

[REDACTED]
[REDACTED] [REDACTED]

BY MR. POUNIAN:

Q. [REDACTED]

[REDACTED]

MR. SHEN: [REDACTED]

[REDACTED]

[REDACTED]

This Transcript Contains Confidential Material

1 INTERPRETER MIKHAIL: [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 BY MR. POUNIAN:

7 Q. [REDACTED]

8 [REDACTED]

9 A. [REDACTED]

10 Q. [REDACTED]

11 her [REDACTED]

12 MR. SHEN: [REDACTED]

13 [REDACTED]

14 THE WITNESS: [REDACTED]

15 BY MR. POUNIAN:

16 Q. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 MR. POUNIAN: [REDACTED]

20 [REDACTED]

21 THE WITNESS: [REDACTED]

22 BY MR. POUNIAN:

23 Q. [REDACTED]

24 th [REDACTED]

[REDACTED]

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1 A. [REDACTED]

2 MR. POUNIAN: All right.

3 Can we turn to the next page,

4 please, of Exhibit-693? And we

5 can take down the other exhibit.

6 BY MR. POUNIAN:

7 Q. Sir, is this your

8 handwriting on this page?

9 A. Yes.

10 Q. And when did you prepare

11 this document?

12 A. I don't remember.

13 Q. And what was the purpose of

14 preparing this document?

15 A. Perhaps to remember,

16 memorize the equation.

17 Q. And what equation is that?

18 A. (In English) It's over

19 there. I think --

20 (Through Interpreter) So I'm

21 somebody who likes to read. I'm somebody

22 who likes to be exposed to things.

23 Perhaps this was an equation that we

24 studied before in high school, and I was

- Filed publicly -
Pls. Ex. 11N
(MPS999x_4017_5)

1 trying to remember whether I'm going to
2 be able to figure out and solve it or
3 not.

4 Q. And what is the equation
5 for?

6 A. (In English) I don't know.
7 (Through Interpreter) I
8 don't know. It's just an equation.

9 Q. And what are -- there's a
10 series of numbers on the bottom here. It
11 says, 52 minus 8 is 44. And then there's
12 a number of lines next to that, 44, 25,
13 80, 76, adding up to 225 and 20 -- what
14 do these numbers mean, sir?

15 A. I don't remember.

16 Q. And the equation says, The
17 height of the plane from the earth in
18 miles.

19 Do you see that, sir?

20 A. (In English) Yes.

21 Q. And what was the reason you
22 were calculating the height of the plane
23 from earth in miles?

24 MR. SHEN: Objection. For

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1 the record.

2 THE WITNESS: So it's an
3 equation like any other equation.
4 Like, say, when they say what is
5 the distance of the road between
6 San Diego to LA or Washington to
7 other places. It's just an
8 equation to measure distance. To
9 Baltimore.

10 MR. POUNIAN: All right. We
11 can take that down.

12 BY MR. POUNIAN:

13 Q. Sir, did you have occasion
14 to go to the Saudi Consulate in Los
15 Angeles?

16 A. Yes.

17 Q. Did you also call the Saudi
18 Consulate in Los Angeles on the phone?

19 A. No.

20 Yes, yes. Yes.

21 MR. POUNIAN: [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. POUNIAN:

[REDACTED]

8

[REDACTED]

9

COURT REPORTER:

[REDACTED]

10

MR. POUNIAN:

[REDACTED]

[REDACTED]

11

[REDACTED]

12

BY MR. POUNIAN:

13

Q.

[REDACTED]

14

[REDACTED]

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[REDACTED]

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[REDACTED]

17

[REDACTED]

18

[REDACTED]

19

[REDACTED]

20

A.

[REDACTED]

21

Q.

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. SHEN:

[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. POUNIAN:

[REDACTED]

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[REDACTED]

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MR. SHEN:

[REDACTED]

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[REDACTED]

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MR. KRY:

[REDACTED]

11

[REDACTED]

12

MR. POUNIAN:

[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. SHEN:

[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. POUNIAN:

[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. SHEN:

[REDACTED]

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[REDACTED]

23

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED] [REDACTED]

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[REDACTED]

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[REDACTED]

8

[REDACTED]

9

MR. POUNIAN: [REDACTED]

10

[REDACTED]

11

INTERPRETER MIKHAIL: [REDACTED]

12

[REDACTED] [REDACTED]

13

[REDACTED]

14

MR. SHEN: [REDACTED]

15

[REDACTED]

16

[REDACTED]

17

BY MR. POUNIAN:

18

Q. [REDACTED]

19

[REDACTED]

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MR. POUNIAN: [REDACTED]

21

[REDACTED]

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[REDACTED]

23

[REDACTED]

24

MS. INT-HOUT: [REDACTED]

[REDACTED]

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MR. POUNIAN:

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MR. SHEN:

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MR. POUNIAN:

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11 BY MR. POUNIAN:

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Q.

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MR. SHEN:

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THE WITNESS:

1

2 BY MR. POUNIAN:

3 Q. Who at the consulate did you
4 know at that time?

5 A. I do not know anyone at the
6 consulate. I would call the reception
7 and ask to speak to a designated person.

8 But there is a clarification
9 here, if you allow me.

10 Q. Please. Go ahead.

11 A. So the phone in the masjid
12 was open for all to make phone calls.
13 There is one telephone in my office, and
14 there is another telephone in the other
15 office, and that was open for anyone to
16 call, at any time, anyone.

17 My presence would be once a
18 week, once every other week or once a
19 month. Otherwise, the telephone is open
20 for everyone.

21 Q. Who else at the -- at that
22 mosque would be calling the Saudi Arabia
23 Consulate for 22 minutes and 4 minutes?

24 MR. SHEN: Objection. Calls

1 for speculation. Objection.

2 Foundation.

3 THE WITNESS: I don't know.

4 But our students, Saudi students,
5 would call the embassy, would call
6 the consulate. Who exactly
7 called, I do not know.

8 BY MR. POUNIAN:

9 Q. What Saudi students?

10 A. Many Saudi students that
11 would come and pray at the masjid, maybe
12 they called. I don't really know
13 exactly.

14 Q. Can you give us the names of
15 any of those students?

16 A. I don't know. Many people
17 come and pray.

18 Q. Sir, you said -- is there
19 anyone at the consulate who you knew?

20 A. No.

21 MR. POUNIAN: Can we mark as
22 the next exhibit FBI 4286, please?

23 - - -

24 (Whereupon, Exhibit

1 al-Bayoumi-696, FBI 4286, was
2 marked for identification.)

3 - - -

4 MR. KRY: Steve, did you
5 want to leave that prior document
6 in the exhibit share? If -- it's
7 available to the entire counsel
8 team. We have a copy.

9 MR. POUNIAN: We can't leave
10 it in the share. We just put it
11 in there to send to Mr. Shen and
12 Mr. Kry.

13 MR. KRY: Right. I
14 understand. So do you want to
15 tell the tech to take it out now?

16 MR. SHEN: We have a copy,
17 too. We don't need it anymore.

18 MR. POUNIAN: So you can
19 take it out, yes, please. And if
20 we can put up FBI 4286 as the next
21 exhibit, please. Which will be
22 696.

23 If we can just highlight the
24 left side here.

1 BY MR. POUNIAN:

2 Q. Sir, is this your
3 handwriting?

4 A. (In English) Some of them,
5 no; but some of them, yes.

6 Q. Which is your handwriting,
7 which isn't?

8 A. (In English) This one is not
9 my handwriting.

10 Q. When you say "this one," can
11 you read it out to us, whatever it is?

12 A. ASK M-E -- I think X or R --
13 ILL.com. This is not my handwriting.
14 This one also, this one is not my
15 handwriting. This one here.

16 Q. Which one is that?

17 A. (In English) This one.

18 Do you see my pointer here?

19 Q. No, we can't see your
20 pointer, just --

21 A. (In English) Oh, okay. In
22 the middle.

23 (Through Interpreter) so the
24 one in the middle saying --

1 INTERPRETER MIKHAIL: The
2 interpreter clarifies -- it's
3 below -- yes, it's what's being
4 highlighted right now.

5 BY MR. POUNIAN:

6 Q. That's not your handwriting?

7 A. (In English) no.

8 Q. But other than the ask
9 Merrill and what we just highlighted,
10 everything else is your handwriting; is
11 that right?

12 A. (In English) yes.

13 Q. Now, the phone number here,
14 310-479-6000, is the phone number for the
15 Saudi Consulate in Los Angeles.

16 Did you know that?

17 MR. SHEN: Objection.

18 THE WITNESS: So that is,
19 perhaps, the consulate number.
20 Perhaps I made a phone call and I
21 inquired. And they informed me,
22 this person or that person would
23 be the person to speak with.

24 BY MR. POUNIAN:

1 Q. And what person was that?

2 A. Perhaps this is regarding to
3 the books, the Quran books.

4 Q. What name was given to you?

5 A. The two names that are here.

6 Q. And what are the names?

7 A. Saad Al Shabreen, Ismail
8 Mana.

9 Q. And do you know Saad Al
10 Shabreen?

11 A. No.

12 Q. But you wrote his name down
13 on this sheet of paper; is that right?

14 A. Yes.

15 Q. And Ismail Mana, do you know
16 Ismail Mana?

17 A. No.

18 Q. But you wrote his name down
19 on this sheet of paper, right?

20 A. Yes. So this point, there
21 was a call. I called the embassy to
22 inquire about the Quran books, and then
23 they informed me the person -- the
24 designated personnel for this matter

1 would be either Saad Al Shabreen or
2 Ismail Mana.

3 Q. And when did you make that
4 call?

5 A. (In English) I don't know.
6 (Through Interpreter) I
7 don't know.

8 Q. Was it in connection with
9 the opening of the Al-Madina Mosque?

10 A. Not with the opening. But
11 it is in connection with the Masjid
12 Al-Madina, yes.

13 Q. And did you get materials
14 from the consulate for the mosque?

15 A. Yes.

16 Q. And what type of materials
17 did you get?

18 A. (In English) Quran.
19 (Through Interpreter) Quran.

20 MR. POUNIAN: If we could
21 mark, please, as the next exhibit
22 FBI 4139.

23 - - -

24 (Whereupon, Exhibit

1 al-Bayoumi-697, FBI 4139-4145, was
2 marked for identification.)

3 - - -

4 BY MR. POUNIAN:

5 Q. Sir, is this one of the
6 materials you got from the consulate or
7 the embassy?

8 MR. SHEN: Objection. Is
9 this a single document, a one-page
10 document?

11 MR. POUNIAN: No, it's not.
12 It's in the record. It's
13 Exhibit-4139 to 45, FBI.

14 MR. SHEN: If you're going
15 to ask the witness questions about
16 it, can you show him the document,
17 the full document?

18 MR. POUNIAN: Sorry, what?

19 MR. SHEN: If you're going
20 to ask the witness about it, you
21 have to show him the full
22 document, not whatever excerpt you
23 want to show him.

24 MR. POUNIAN: I'm just --

1 could we just highlight the lower
2 left corner there, where it's
3 from?

4 BY MR. POUNIAN:

5 Q. Sir, do you recall getting
6 materials from the Kingdom of Saudi
7 Arabia?

8 MR. SHEN: There's a request
9 to show the witness the actual
10 document. Are you not going to
11 show him the document?

12 MR. POUNIAN: I can show him
13 the document, but I just -- I want
14 to ask the questions my way, Mr.
15 Shen, if I could.

16 MR. SHEN: All right.
17 Objection to asking questions
18 without showing the witness the
19 document.

20 What exhibit is this?

21 COURT REPORTER: It's 697.

22 MR. POUNIAN: 697. Thank
23 you.

24 THE WITNESS: No.

1 But there's a background
2 that I would like to clarify.

3 BY MR. POUNIAN:

4 Q. Sir, the reason I'm asking
5 you these questions is because this was
6 found in your office when the FBI raided
7 the office and it seized this. This is
8 one of the documents.

9 MR. SHEN: Objection.

10 BY MR. POUNIAN:

11 Q. I'm asking if you --

12 MR. SHEN: Steve, he wasn't
13 done with his answer, and you
14 interrupted him. He wants to
15 clarify.

16 MR. POUNIAN: He asked me if
17 he wanted to clarify something,
18 and I just wanted to ask a
19 question.

20 MR. SHEN: No, he didn't.
21 If you read the transcript, he
22 said he would like to clarify.

23 Please, go ahead, Mr.

24 Bayoumi, clarify your answer.

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1 THE WITNESS: This was my
2 clarification. There are some
3 documents that would get posted on
4 a message board in the mosque.
5 Anybody can come and post whatever
6 document or whatever paper that
7 they put, and then at the masjid
8 we don't necessarily allow that.

9 So if there's something that
10 does not align with us, I will
11 take it off and I will keep it in
12 a file for it to be destroyed
13 later on. I do not keep it on the
14 wall for the public. I do not
15 keep it on the wall, anything that
16 pertains to violence, theft, guns.
17 We do not support. In that case I
18 would take it off the board, I
19 would keep it in a file for the
20 purpose of destroying it later on.

21 This is one of many
22 documents that we had and this was
23 not a document that came from the
24 embassy. The sole stuff that came

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1 from the embassy was the Quran,
2 religion books that pertained to
3 doctrine. But none of this came
4 from the embassy.

5 BY MR. POUNIAN:

6 Q. Where did this come from?

7 A. I do not know.

8 (In English) Let me say
9 something again. Me -- and, honestly, I
10 have to -- the Imam at the masjid --

11 (Through Interpreter) So
12 even the Imam of the masjid, the Kurdish
13 one, he would not accept any of that.
14 Anything that gets posted on the board
15 that we don't approve of, instantly we
16 remove it and we keep it in a file to be
17 destroyed later on, or we destroy it
18 right there and then.

19 Q. This was found in your
20 office, so it wasn't destroyed. It was
21 in your office at the mosque.

22 And can you explain to us
23 where it came from?

24 MR. SHEN: Objection.

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1 Mischaracterization.

2 THE WITNESS: So this is not
3 a paper, just a post. This was a
4 post that was probably posted on
5 the board. And it's not the only
6 one, we have tens of them.

7 We take them off and then we
8 put them in a file for them to be
9 destroyed later on. Perhaps it
10 was not destroyed yet.

11 But it's just a message
12 from -- a post from the message
13 board.

14 MR. POUNIAN: [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 BY MR. POUNIAN:

18 Q. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 MR. POUNIAN: [REDACTED]

23 [REDACTED]

24 BY MR. POUNIAN:

[REDACTED]

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MR. POUNIAN:

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BY MR. POUNIAN:

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MR. SHEN:

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THE WITNESS:

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BY MR. POUNIAN:

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MR. SHEN:

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THE WITNESS: [REDACTED]

MR. POUNIAN: [REDACTED]

[REDACTED]

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COURT REPORTER: [REDACTED]

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MR. SHEN: [REDACTED]

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MR. CARTER:

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MR. SHEN:

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MR. CARTER:

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MR. SHEN:

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MR. HAEFELE:

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MR. SHEN:

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MR. HAEFELE:

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MR. SHEN:

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MR. HAEFELE:

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MR. SHEN:

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MR. HAEFELE:

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MR. POUNIAN:

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MR. KRY:

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[REDACTED] [REDACTED]

[REDACTED]

MS. INT-HOUT: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

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[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

MR. KRY: [REDACTED] [REDACTED]

[REDACTED]

MR. POUNIAN: [REDACTED]

MS. INT-HOUT: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

1 MR. KRY: [REDACTED]

2 MR. SHEN: [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 BY MR. POUNIAN:

6 Q. [REDACTED]

7 [REDACTED]

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9 [REDACTED]

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11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 MR. SHEN: [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 THE WITNESS: [REDACTED]

[REDACTED]

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2 BY MR. POUNIAN:

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Q.

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MR. POUNIAN:

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6 BY MR. POUNIAN:

7

Q. Sir, did you travel to the
8 embassy in Washington at any time when
9 you were living in San Diego?

10

INTERPRETER MIKHAIL: Asking
11 for repetition, so I will repeat
12 the question.

13

THE WITNESS: No, I did not
14 travel to the embassy. No.

15

BY MR. POUNIAN:

16

Q. Did you ever go to the
17 embassy while you were in the United
18 States?

19

A. Yes.

20

Q. And why did you go to the
21 embassy?

22

A. When I was at George
23 Washington University taking courses.

24

Q. And what did you do at the

1 embassy?

2 A. I had documents to certify.

3 Q. Sir, did you meet with
4 personnel from the Islamic Affairs
5 department when you were at the embassy
6 in Washington, D.C.?

7 A. I don't remember, but I did
8 meet someone.

9 Q. Who was that?

10 A. (In English) I don't know.
11 (Through Interpreter) I
12 don't know.

13 Q. And when you said you met
14 someone, you met someone from the Islamic
15 Affairs department?

16 A. Perhaps in the Islamic
17 Affairs or in the studying affairs.

18 Q. And where did you meet the
19 person?

20 A. I don't remember. It was
21 there. But which office exactly, I don't
22 remember.

23 Q. It was inside the embassy?

24 A. Yes.

1 Q. And did you get a tour of
2 the embassy by the Islamic Affairs
3 department?

4 A. No.

5 Q. Who did you meet at the
6 embassy?

7 A. I don't remember.

8 Q. Sir, you've placed phone
9 calls to the embassy.

10 Did you call personnel at
11 the Islamic Affairs department at the
12 embassy?

13 A. I don't remember. But I did
14 make phone calls to the embassy, yes.

15 Q. I'm referring to the Islamic
16 Affairs department.

17 Did you call the Islamic
18 Affairs department at the embassy?

19 A. I don't remember. But I do
20 remember that I did communicate with
21 them, yes.

22 Q. And who did you talk to?

23 A. The Islamic Affairs
24 department. But exactly who, I don't

1 remember.

2 Q. Can you remember the name of
3 anyone you spoke with at the Islamic
4 Affairs department?

5 A. No.

6 Q. Do you remember the name of
7 anyone you met with at the Islamic
8 Affairs department?

9 A. No.

10 MR. POUNIAN: Why don't we
11 take a break right now for 15
12 minutes?

13 VIDEO TECHNICIAN: One
14 moment.

15 - - -

16 (End of FBI Protected
17 Material.)

18 - - -

19 VIDEO TECHNICIAN: Counsel
20 should be back.

21 Counsel is back.

22 MS. PRITSKER: Hi, this is
23 counsel on behalf of Dubai Islamic
24 Bank. I just want to note that we

1 were excluded from testimony on
2 the record, again, at
3 approximately 7:08 a.m. Eastern
4 and just now we're permitted to
5 return.

6 VIDEO TECHNICIAN: We're
7 going off the record, 8:25 a.m.

8 - - -

9 (Whereupon, a brief recess
10 was taken.)

11 - - -

12 MR. HAEFELE: Andy, I just
13 want to put this on the record,
14 but I don't feel the time -- don't
15 need to waste the time on the
16 video record.

17 But we're having problems
18 with your speaking objections.
19 And I wanted to put in the record
20 that in what you submitted to the
21 court at 6002-1 as the proposed
22 proposal, which matches at least
23 Paragraph 44, concerns the
24 proposal that governs this --

1 these depositions. And all
2 parties agreed to Paragraph 44.

3 And it states, Counsel shall
4 state all objections in a concise,
5 non-argumentative and
6 non-suggestive matter, i.e.,
7 counsel shall not make objections
8 or statements in order to suggest
9 an answer to a witness. Counsel
10 shall not engage in colloquy in
11 objecting to a question or
12 responding to an objection. The
13 phrases, quote, objection as to
14 form, end quote; quote, objection
15 as to foundation, end quote; or
16 similar language are sufficient
17 and shall preserve all objections
18 as to form and foundation until a
19 party seeks to use a deposition.

20 To prevent a deponent from
21 being improperly guided by
22 objections and other colloquy and
23 to reduce the time to complete
24 depositions, objections in

1 colloquy shall not be translated
2 by the translator unless necessary
3 to afford the witness proper
4 direction.

5 And so I think that's the
6 manner in which we should be
7 proceeding.

8 Andy, you may disagree that
9 you are or are not doing that. We
10 think that you have been violating
11 this provision. You may disagree.
12 But let's agree that we go forward
13 pursuant to Paragraph 44 and make
14 sure that we don't go in violation
15 of it.

16 MR. SHEN: I disagree with
17 any suggestion that I'm making
18 speaking objections that are
19 improper here.

20 Let's go forward.

21 MR. CARTER: Just one
22 additional thing on this.

23 Courts in the Southern
24 District interpreting essentially

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1 identical protocol language have
2 said that any objection as to form
3 shall state only those four words
4 and nothing further.

5 So we think that those are
6 indicative of what was intended
7 and what is required by the order.

8 MR. SHEN: And, Sean, if I
9 can just direct you to the
10 objections that plaintiffs'
11 counsel have made during my
12 cross-examinations as well. Thank
13 you.

14 VIDEO TECHNICIAN: We're
15 back on the video record at 8:43
16 a.m.

17 BY MR. POUNIAN:

18 Q. Sir, when you went to
19 Washington, did you go to the
20 institute --

21 VIDEO TECHNICIAN: Steve, do
22 you need me to put them in the FBI
23 room? Sorry.

24 MR. POUNIAN: No, I don't.

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1 But I will very shortly.

2 VIDEO TECHNICIAN: All good.

3 BY MR. POUNIAN:

4 Q. Sir, when you went to
5 Washington, did you go to the Institute
6 of Islamic and Arabic Studies in America?

7 A. No.

8 Q. Have you ever been there?

9 A. No.

10 Q. Did you go to the Cultural
11 Mission, sir?

12 A. Cultural affairs, yes.

13 Q. And where is that located?

14 A. I believe it's in the
15 embassy.

16 Q. And who did you meet with
17 there?

18 INTERPRETER MIKHAIL: Maybe
19 the witness is frozen.

20 VIDEO TECHNICIAN: I think
21 he's frozen.

22 We're going to go off the
23 record at 8:45 a.m.

24 - - -

This Transcript Contains Confidential Material

1 (Whereupon, a brief recess
2 was taken.)

3 - - -

4 VIDEO TECHNICIAN: We're
5 back on the record at 8:48 a.m.

6 BY MR. POUNIAN:

7 Q. Sir, who did you meet at
8 cultural affairs when you went to
9 Washington?

10 A. I don't know.

11 Q. Sir, was there another visit
12 of propagators to the Al-Madina Mosque
13 for another Ramadan while you were living
14 in San Diego?

15 A. Yes.

16 Q. And was that for Ramadan
17 1420?

18 A. I don't remember.

19 Q. You said that you left the
20 mosque around the year 2000, sir?

21 A. Yes.

22 Q. Why did you leave the
23 mosque?

24 A. I did not come for the

1 masjid. I came to study.

2 (In English) I was a
3 volunteer at the mosque.

4 (Through Interpreter) I was
5 a volunteer in the mosque.

6 Q. And when did you leave the
7 mosque?

8 A. I don't remember.

9 Q. Did you continue to use the
10 office at the mosque?

11 A. When?

12 Q. You said you left the
13 mosque.

14 What do you mean by leaving
15 the mosque?

16 Let's ask that question.

17 A. I don't remember exactly
18 when.

19 Q. When you left the mosque,
20 did you continue to use the office at the
21 mosque?

22 MR. SHEN: Objection to
23 form.

24 THE WITNESS: Why would I

This Transcript Contains Confidential Material

1 use the telephone in the masjid
2 when I'm not even present? That's
3 the question?

4 BY MR. POUNIAN:

5 Q. Well, I'm asking the
6 question.

7 Did you continue to use the
8 office at the mosque after you stopped
9 attending the mosque?

10 A. I traveled right away.

11 Q. And were you asked to leave
12 the mosque, sir?

13 A. No.

14 Q. Why were your items still
15 found at the mosque after the 9/11
16 attacks?

17 A. I do have items left in the
18 office after I left. I did not have
19 time, because my school was about to
20 start, and I did not take all my
21 belongings.

22 Q. And when was that, sir, that
23 you left?

24 A. I don't remember.

1 Q. Well, you told us you left
2 the mosque in the year 2000.

3 You didn't leave San Diego
4 in the year 2000, did you?

5 MR. SHEN: Objection to
6 form.

7 THE WITNESS: When I went to
8 study in England, I left the
9 masjid.

10 BY MR. POUNIAN:

11 Q. And when was that?

12 A. I don't remember exactly
13 when.

14 Q. You said, sir, that there
15 were -- there was another visit to the
16 Al-Madina Mosque by propagators.

17 Who were those propagators?

18 A. I don't remember the names.

19 Q. Since you left the mosque in
20 the year 2000, was it the Ramadan
21 immediately preceding the time that you
22 left the mosque?

23 MR. SHEN: Objection.

24 What's the question?

1 THE WITNESS: I don't
2 remember.

3 BY MR. POUNIAN:

4 Q. Do you recall meeting a man
5 named Abdullah Al Jaithen?

6 A. Jaithen? No.

7 Q. Do you remember meeting a
8 man named Majed Al Mersal?

9 A. Majed Al Mersal, yes.

10 So the first name -- the
11 first name is Al -- Al Jaithen. Majed
12 Al Mersal.

13 Clarifying the names, the
14 first one was Al Jaithen, the second one
15 was Majed Al Mersal.

16 Majed Al Mersal, yes.
17 Al Jaithen, correct.

18 Q. So you remember meeting
19 Mr. Al Jaithen?

20 MR. SHEN: Objection to the
21 form.

22 THE WITNESS: No.

23 BY MR. POUNIAN:

24 Q. Do you remember there being

1 two propagators?

2 A. Yes.

3 Q. And you remember Mr.

4 Mersal's name, but you don't remember the
5 name of the other propagator; is that
6 right?

7 A. So in the translation, it
8 was Salem. It's not Salem, it's
9 Al Jaithen.

10 Q. What translation?

11 A. So speaking to the
12 interpreter, you said -- when you first
13 interpreted it, you said the name was
14 Salem. So no, it's Mersal and
15 Al Jaithen.

16 Q. Did you have communications
17 with the Ministry of Islamic Affairs
18 regarding the visit of these two
19 propagators to the Al-Madina Mosque?

20 A. No.

21 Q. Who arranged the trip of
22 these two propagators to the Al-Madina
23 Mosque?

24 A. I don't know.

1 Q. How is it that these two
2 propagators came to the Al-Madina Mosque?

3 A. I don't know.

4 Q. Did anyone -- did you ask
5 that the propagators be sent to the
6 Al-Madina Mosque?

7 A. Again, every year before the
8 month of Ramadan, we request propagators,
9 for them to come for the Taraweeh prayer.

10 Q. And did you make that
11 request?

12 A. I don't remember if it was
13 me. I don't remember. If it was me or
14 the Imam, I don't remember.

15 Q. Who was the Imam?

16 A. An Imam from the Kurdish
17 community. And I don't recall his name.

18 Q. Where did the two
19 propagators stay when they visited?

20 A. I don't know. I don't know.

21 Q. Where did you first meet the
22 two propagators?

23 A. At the mosque.

24 Q. And how did they get to the

1 mosque?

2 A. I don't know.

3 Q. Did you know they were
4 coming before you saw them at the mosque?

5 A. I don't remember.

6 Q. Did you make preparations
7 for their arrival?

8 A. No. As usual, everybody
9 received them.

10 Q. So you did nothing in
11 advance of their arrival to prepare for
12 them?

13 A. No.

14 Q. Did you have any meals with
15 them when they were in San Diego?

16 A. I don't remember.

17 Q. Did you --

18 A. (In English) Yes, we have
19 dinner at Ramadan, yes. Every day,
20 dinner at Ramadan.

21 (Through Interpreter) During
22 Ramadan we have dinner. We have dinner
23 every day during Ramadan; Iftar, breaking
24 the fast.

1 Q. And do you remember sharing
2 a meal with them?

3 A. No, I don't remember.

4 Q. Do you remember what they
5 did at the mosque?

6 A. What they did at the mosque?

7 Q. Yes.

8 A. Leading the Taraweeh prayer.

9 Q. Did they deliver a khutbah?

10 A. Jaithen gave a lecture -- a
11 lecture, yes.

12 Q. Abdullah Al Jaithen?

13 A. Yes.

14 Q. I thought you just told us
15 before you didn't remember his name, sir,
16 and now you remember him giving a
17 lecture.

18 MR. SHEN: Objection. There
19 was a significant translation
20 issue.

21 Go ahead. You can answer
22 the question.

23 THE WITNESS: So we
24 mentioned his name ten times by

1 now. At the beginning there was
2 an error in the translation. The
3 name was mentioned Salem. And we
4 corrected it, it's not Salem, it's
5 Al Jaithen.

6 And then we repeat it a few
7 times.

8 So, yes, it is correct.

9 BY MR. POUNIAN:

10 Q. It's correct that you
11 remember Abdullah Al Jaithen giving a
12 lecture?

13 A. Yes.

14 Q. What was the lecture about?

15 A. (In English) I don't
16 remember.

17 (Through Interpreter) I
18 don't remember.

19 Q. Did you arrange a place to
20 stay for either Majed Mersal or Abdullah
21 Al Jaithen?

22 A. No. The answer is no.

23 Q. Did you travel anywhere with
24 Abdullah Al Jaithen or Majed Al Mersal

1 while they were visiting?

2 A. I don't remember.

3 MR. POUNIAN: Can we show
4 the witness, please -- are we on
5 the FBI record? Exhibit-576.

6 We still are, right?

7 VIDEO TECHNICIAN: We're
8 going to go on -- the FBI
9 documents now.

10 MS. PRITSKER: Counsel for
11 Dubai Islamic Bank just notes that
12 it's being excluded from the
13 deposition now. Thank you.

14 VIDEO TECHNICIAN: Stand by.

15 MR. POUNIAN: This is FBI
16 4012 --

17 VIDEO TECHNICIAN: Hold on.
18 We're still waiting for one
19 person.

20 MR. SHEN: Steve, what
21 document are you using? Did you
22 say 571 or --

23 MR. POUNIAN: 576. It's FBI
24 4012.

1 VIDEO TECHNICIAN: They are
2 not going in, so I'm going to
3 remove them.

4 MS. INT-HOUT: Just let me
5 know, David.

6 VIDEO TECHNICIAN: I had to
7 remove Eric Snyder. Everyone is
8 good.

9 - - -

10 (FBI Protected Material.)

11 - - -

12 BY MR. POUNIAN:

13 Q. Sir, this is a document we
14 received from the FBI that they took from
15 a hotel in the Los Angeles area.

16 It shows a hotel stay under
17 the names of Abdullah Al Jaithen and Omar
18 al-Bayoumi on December 20th, 1999.

19 Do you see that, sir?

20 A. Yes.

21 Q. Do you know the Travelodge
22 Hotel in Culver City, California, sir?

23 A. I don't remember.

24 Q. Did you ever have occasion

1 to stay in any hotels in the Culver City
2 area?

3 A. With my family?

4 Q. Yourself. At any time.

5 MR. SHEN: Clarify, Steve.
6 Do you mean only by himself?

7 MR. POUNIAN: I'm just
8 saying, did he ever -- I'm asking
9 if he ever had any occasion
10 himself to stay at hotels in the
11 Culver City area.

12 That's the question.

13 BY MR. POUNIAN:

14 Q. Can you answer that
15 question?

16 MR. SHEN: Just to clarify,
17 by himself or with anyone else or
18 both?

19 MR. POUNIAN: I just asked
20 if he did. I think it's pretty
21 clear on its own.

22 MR. SHEN: I don't know what
23 you're asking. But okay.

24 THE WITNESS: No.

1 BY MR. POUNIAN:

2 Q. Sir, this hotel receipt has
3 your name on it.

4 Did you stay at the
5 Travelodge Hotel?

6 A. Stayed in a hotel, no.

7 Q. Did you make a reservation
8 at the hotel?

9 A. (In English) It's possible.
10 (Through Interpreter) It's
11 possible.

12 Q. And what's possible?

13 A. It's possible when a guest
14 arrives and they need a stay at the
15 hotel, we can make a reservation for the
16 hotel.

17 MR. BEETAR: And, also, he
18 said, if he does not know English.

19 INTERPRETER MIKHAIL: If he
20 does not know English.

21 BY MR. POUNIAN:

22 Q. And did you go to the
23 Travelodge Hotel with Abdullah
24 Al Jaithen?

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1 A. I don't remember.

2 MR. POUNIAN: [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 - - -

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 - - -

10 BY MR. POUNIAN:

11 Q. [REDACTED]

12 [REDACTED]

13 A. [REDACTED]

14 [REDACTED]

15 Q. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. [REDACTED]

19 Q. [REDACTED]

20 [REDACTED]

21 MR. SHEN: [REDACTED]

22 THE WITNESS: [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

[REDACTED]

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MR. POUNIAN: [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

14

Thank you.

15

BY MR. POUNIAN:

16

Q. [REDACTED]

17

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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A. [REDACTED]

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Q. [REDACTED]

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MR. SHEN:

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MR. POUNIAN:

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BY MR. POUNIAN:

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Q.

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A.

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[REDACTED]

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[REDACTED]

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[REDACTED]

24

Q.

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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A.

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

13

[REDACTED]

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[REDACTED]

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[REDACTED]

16

Q.

[REDACTED]

17

[REDACTED]

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[REDACTED]

19

A.

[REDACTED]

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[REDACTED]

[REDACTED]

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MR. POUNIAN:

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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MS. INT-HOUT: [REDACTED]

[REDACTED]

MR. POUNIAN: [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

BY MR. POUNIAN:

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

[REDACTED]

1 A. I don't know. I don't
2 remember.

3 Q. Can you explain, sir, why
4 your name is on a receipt of a Travelodge
5 in Culver City, California, on January
6 9th, 2000?

7 A. I don't remember. But once
8 we did go with the family to King Fahad
9 Mosque.

10 MR. BEETAR: King Fahad
11 Mosque, to match the other
12 documents in the lawsuit.

13 INTERPRETER MIKHAIL: Sure.
14 No problem. For consistency, King
15 Fahad Mosque.

16 BY MR. POUNIAN:

17 Q. What family?

18 A. My family.

19 Q. And who went?

20 A. I don't remember exactly,
21 but always with my family.

22 Q. And who are the members of
23 your family that would have been with you
24 at that time?

1 A. (In English) My wife and my
2 kids.

3 (Through Interpreter) My
4 wife and my kids.

5 Q. And how many would that have
6 been in your family at this time, in the
7 year 2000?

8 A. (In English) Four.

9 (Through Interpreter) Four.

10 Q. Four including you or --

11 A. (In English) Yes.

12 (Through Interpreter) All of
13 us are five.

14 Q. Five.

15 And why were you going to
16 the King Fahad Mosque on that occasion?

17 A. (In English) To take some
18 pictures.

19 (Through Interpreter) To
20 take some pictures.

21 Q. Pictures of what?

22 A. (In English) Of the mosque.

23 (Through Interpreter) Of the
24 mosque.

1 Q. And why were you taking
2 pictures of the mosque?

3 A. Because it's a beautiful
4 mosque.

5 Q. So you traveled to the
6 mosque to take photographs of it.

7 And when did this trip
8 occur?

9 A. Not solely the mosque. We
10 go to Los Angeles to do shopping, and
11 then we go to the mosque and take
12 pictures at the mosque.

13 Q. And how soon after the
14 opening of the mosque did that occur?

15 A. I don't remember.

16 Q. How many trips did you make
17 to the mosque to take pictures?

18 A. I don't go specifically to
19 the mosque to take pictures. We go, we
20 do some shopping, and then we go to the
21 mosque and we take pictures.

22 Q. And how often did you go to
23 the mosque, the King Fahad Mosque?

24 INTERPRETER MIKHAIL: How

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1 often did you go to the mosque?

2 MR. POUNIAN: Yes. The King
3 Fahad Mosque.

4 THE WITNESS: I visited the
5 King Fahad Mosque perhaps twice.
6 Twice.

7 BY MR. POUNIAN:

8 Q. You were there two times in
9 total?

10 A. From what I remember, yes.

11 Q. And what do you mean by
12 that, "from what I remember"?

13 A. Perhaps it was twice,
14 perhaps it was three times, perhaps it
15 was only once. But from what I remember,
16 it was twice.

17 MR. POUNIAN: [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 - - -

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 - - -

[REDACTED]

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1 BY MR. POUNIAN:

2 Q. [REDACTED]

3 [REDACTED]

4 - - -

5 [REDACTED]

6 [REDACTED]

7 - - -

8 MR. POUNIAN: [REDACTED]

9 [REDACTED]

10 BY MR. POUNIAN:

11 Q. [REDACTED] d

12 [REDACTED]

13 A. [REDACTED]

14 Q. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 MR. POUNIAN: [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MR. SHEN: [REDACTED]

22 MR. POUNIAN: [REDACTED]

23 [REDACTED]

24 BY MR. POUNIAN:

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1 Q. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 A. [REDACTED]

7 [REDACTED]

8 Q. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. [REDACTED]

12 INTERPRETER ABDEL-RAHMAN: [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 BY MR. POUNIAN:

18 Q. [REDACTED]

19 [REDACTED]

20 MR. POUNIAN: [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 BY MR. POUNIAN:

24 Q. [REDACTED]

[REDACTED]

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1 [REDACTED]
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5 [REDACTED] [REDACTED]
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8 [REDACTED]
9 [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 MR. SHEN: [REDACTED]

14 [REDACTED]

15 THE WITNESS: [REDACTED]

16 BY MR. POUNIAN:

17 Q. [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MR. SHEN: [REDACTED]

22 THE WITNESS: [REDACTED]

23 [REDACTED]

24 BY MR. POUNIAN:

[REDACTED]

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1 Q. [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 A. [REDACTED]
7 Q. [REDACTED]
8 [REDACTED]
9 A. [REDACTED]
10 Q. [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 A. [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 Q. [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

MR. SHEN: [REDACTED]

[REDACTED]

[REDACTED]

MR. POUNIAN: [REDACTED]

[REDACTED]

MR. SHEN: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. POUNIAN: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SHEN: [REDACTED]

[REDACTED]

THE WITNESS: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This Transcript Contains Confidential Material

1 BY MR. POUNIAN:

2 Q. [REDACTED]

3 [REDACTED]

4 A. [REDACTED]

5 Q. [REDACTED]

6 MR. POUNIAN: [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 - - -

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 - - -

15 MR. SHEN: [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 MR. POUNIAN: [REDACTED]

23 [REDACTED]

24 BY MR. POUNIAN:

[REDACTED]

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Q.

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Q.

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A.

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INTERPRETER ABDEL-RAHMAN:

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MR. POUNIAN:

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BY MR. POUNIAN:

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Q.

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A.

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Q.

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MR. POUNIAN:

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1 BY MR. POUNIAN:

2 Q. [REDACTED]

3 [REDACTED]

4 A. [REDACTED] [REDACTED]

5 Q. [REDACTED]

6 A. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 Q. [REDACTED]

12 [REDACTED]

13 A. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. [REDACTED]

24 [REDACTED]

[REDACTED]

This Transcript Contains Confidential Material

1 A. [REDACTED] [REDACTED]

2 [REDACTED]

3 Q. [REDACTED]

4 A. [REDACTED]

5 Q. Well, can you tell us about
6 one other time you went to Los Angeles
7 for a trip like this?

8 A. Los Angeles was close to us.
9 We could just take a ride there and come
10 back. I wouldn't remember how many times
11 we went.

12 Q. Do you know a man named --
13 strike the question.

14 I asked you earlier about
15 visits you had made to the Los Angeles
16 Consulate.

17 Did you go to the Los
18 Angeles Consulate to register your
19 passport?

20 A. To renew my passport.

21 Q. Did you ever go there to
22 register your passport?

23 A. I don't recall.

24 Q. And you said you went to the

[REDACTED]

1 consulate to renew your passport?

2 A. Yes.

3 Q. And did you go by yourself?

4 A. No.

5 Q. Who did you go with?

6 A. With another person.

7 Q. And who was that?

8 A. Osama.

9 (In English) An American
10 person.

11 (Through Interpreter) An
12 American person.

13 Q. Did he have a last name?

14 A. I don't remember. He was
15 Osama.

16 Q. And how did you know Osama?

17 A. (In English) From the
18 mosque.

19 (Through Interpreter) From
20 the mosque.

21 Q. Which mosque? The Al-Madina
22 Mosque?

23 A. No. The Islamic Center.

24 Q. How did you know Osama from

1 the Islamic Center?

2 A. From after the prayers.

3 Q. What do you mean by that?

4 A. I mean that after prayers we
5 got to meet one another.

6 Q. And when was that?

7 A. I don't know.

8 Q. Well, how long before you
9 went to the consulate did you meet Osama?

10 A. I don't remember. But a
11 short period of time, perhaps a month or
12 two.

13 Q. And what was your
14 relationship with Osama?

15 A. In the past or now?

16 Q. At the time you met him.

17 A. I didn't know him -- I
18 didn't know him. But we met,
19 Salaam-Alaikum, Alaikum-Salaam; peace be
20 on you, peace be on you.

21 Q. And how old was he when you
22 met him?

23 A. He was in his 20s. He was
24 in his 20s.

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1 Q. And how old were you at that
2 time?

3 A. I don't remember.

4 Q. What's your birth date, sir?

5 A. 1377.

6 Q. So you would be 43 years old
7 at that time?

8 A. I don't remember.

9 Q. How old are you now?

10 A. (In English) More than 60.

11 INTERPRETER ABDEL-RAHMAN:

12 More than 60?

13 THE WITNESS: (In English)

14 Yes.

15 BY MR. POUNIAN:

16 Q. Can you give us an exact
17 number, sir?

18 A. (In English) Maybe 63, 64.
19 I didn't count.

20 Q. And did you become friends
21 with Osama?

22 A. In the current definition,
23 no.

24 Q. What do you mean by "the

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1 current definition"?

2 A. I mean, in the past when you
3 meet someone, when you befriend someone,
4 you just go to places with them. But now
5 this is not enough anymore, we have to
6 understand the thinking, you have to
7 understand their personality.

8 INTERPRETER ABDEL-RAHMAN:

9 Then the witness added, in
10 English, it's a different period
11 of time.

12 BY MR. POUNIAN:

13 Q. Well, were you friends with
14 him in the year 2000?

15 A. He would come to me. We
16 would go to places. We would go to pray
17 at the mosque together. He went to Los
18 Angeles with me. Things like that.

19 Q. What kind of things did you
20 do together?

21 A. Only prayers.

22 Q. Anything else?

23 A. No. Other relations than
24 that, no.

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1 Q. And you said he was an
2 American?

3 A. (In English) White American.
4 (Through Interpreter) Yes, a
5 white American.

6 Q. And had he converted to
7 becoming a Muslim?

8 A. Yes. Before I met him.

9 Q. And did you know his
10 background?

11 A. No.

12 Q. Did you know his religious
13 background before you met him?

14 A. I didn't know.

15 Q. Had you heard that he was
16 Jewish before he became a Muslim?

17 A. No, I didn't know that.

18 Q. You've never heard that
19 before, sir?

20 A. Well, I did not
21 discriminate; whether Jewish, Christian,
22 atheist, I did not discriminate. I
23 treated people according to what I see
24 from them.

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1 Q. That was not my question,
2 sir.

3 My question was, had you
4 ever heard before that he was Jewish or
5 that he had been Jewish?

6 A. No.

7 Q. How did it come to be that
8 you -- that he went to Los Angeles with
9 you to go to the --

10 A. I was going to Los Angeles
11 by myself, alone. Then I met him on the
12 road.

13 Q. What road?

14 A. (In English) Next to my
15 house.

16 (Through Interpreter) Behind
17 my house.

18 Q. And when did you meet him on
19 the road behind your house?

20 A. (In English) In the
21 morning --

22 (Through Interpreter) In the
23 morning, or as I was leaving for the
24 embassy, the consulate.

1 Q. And you met him on this --
2 on that morning just by chance?

3 A. Yes.

4 Q. And were you on your way to
5 Los Angeles when you met him?

6 A. (In English) Next to my
7 house.

8 (Through Interpreter) Next
9 to my house -- in English, yes.

10 Excuse me. I tend to mix
11 Arabic and English. Please forgive me.

12 Q. And when you say your
13 "house," you're talking about the
14 apartment that you lived in at 6333 Mount
15 Ada Road?

16 A. Yes.

17 Q. And you lived there at
18 Apartment 152?

19 A. I don't remember the number.
20 I don't.

21 Q. So where is it that you met
22 with Osama? Where is it that you saw
23 Osama near the apartment?

24 A. Not near the apartment. I

1 saw him on the street.

2 Q. What street?

3 A. The street behind -- the
4 street behind the housing.

5 Q. And what street was that?

6 A. I don't remember.

7 Q. Well, your building was on
8 Mount Ada Road.

9 Was it on Mount Ada Road
10 that you saw him?

11 A. Yes, Mount Ada Road.

12 Q. And when you saw him, were
13 you heading to your car to drive to Los
14 Angeles?

15 A. No, I was already in the
16 car.

17 Q. So you were driving your car
18 when you saw him?

19 A. Yes, yes.

20 Q. And you were in the street?

21 A. I was driving on the street
22 and he was walking.

23 Q. Where was he walking?

24 A. On the sidewalk.

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1 Q. And in which direction was
2 he walking?

3 A. The opposite direction from
4 me.

5 Q. And which direction was he
6 heading?

7 A. I was heading east, he was
8 heading west.

9 Q. So you were heading towards
10 the Islamic Center?

11 A. No. In the direction -- in
12 the direction of the Islamic Center. But
13 the Islamic Center was far away.

14 Q. So you were driving on Mount
15 Ada Road in the direction of the Islamic
16 Center and you saw Osama walking on the
17 sidewalk in the opposite direction; is
18 that right?

19 A. Yes.

20 MR. SHEN: Objection to
21 form.

22 BY MR. POUNIAN:

23 Q. And where was --

24 MR. SHEN: Misstates prior

1 testimony as to the road.

2 BY MR. POUNIAN:

3 Q. Where was -- where was Osama
4 living at that time?

5 A. I don't know.

6 Q. Do you recall, sir, that he
7 was living with Fathi Aidarus?

8 MR. SHEN: Objection.

9 THE WITNESS: No. He was
10 married.

11 BY MR. POUNIAN:

12 Q. Do you recall a time when
13 Osama was living with Fathi Aidarus?

14 A. I don't know.

15 Q. So you said you saw Osama on
16 the sidewalk as you were driving.

17 What happened next?

18 A. He asked me where I was
19 going. I told him I was going to the
20 consulate in Los Angeles to renew the
21 children's passports and my wife's
22 passport.

23 Q. And not your passport?

24 A. And my passport, yes.

1 Q. Did you -- I take it you
2 stopped the car first?

3 A. Yes.

4 Q. And what happened next?

5 A. I told him I was going to
6 Los Angeles. He said he was free, let me
7 come with you.

8 Q. And what happened next?

9 A. We went to Los Angeles.

10 Q. Directly from there?

11 A. Yes.

12 Q. Did you stop anywhere?

13 A. Before that, I had been
14 upset about something. I had lost some
15 of my photos.

16 Q. What photos?

17 A. (In English) For the
18 passport.

19 (Through Interpreter)
20 Passport photos. Passport photos that I
21 had done before.

22 Q. Which photos?

23 A. (In English) The passport.

24 (Through Interpreter) Photos

1 for the passport.

2 Q. Whose photos?

3 A. (In English) For me.

4 Q. And what photos did you
5 lose?

6 A. You know for that form you
7 have to attach three or four photos, and
8 I found that one was missing. And on the
9 way, before we got to Los Angeles, I told
10 Osama that I needed to have my picture
11 taken for the passport.

12 And Osama knew Los Angeles
13 well. He said, I know a good place where
14 you can have your picture taken.

15 Then we picked up the photos
16 and we headed to the consulate.

17 Q. When did you find out that
18 you didn't -- you didn't have the photos
19 you needed?

20 A. As I was preparing myself
21 for the trip to Los Angeles.

22 Q. And that was in your
23 apartment?

24 A. (In English) Yes.

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1 (Through Interpreter) Yes.

2 Q. And then you went to your --
3 that's when you got upset, right before
4 you were about to leave?

5 A. Yes.

6 Q. And then you went from your
7 apartment to your car and you started to
8 drive to Los Angeles?

9 A. Yes.

10 Q. Did you have photos of your
11 other family members with you?

12 A. (In English) Yes.

13 Q. How many different photos
14 did you have?

15 A. Photos, four each person.

16 THE WITNESS: Excuse me, Mr.
17 Pounian. I need to take a break
18 for prayers. It's time to pray.

19 MR. SHEN: Let's take a
20 break.

21 For the court reporter or
22 for the translator, did he say
23 four photos for each person?

24 INTERPRETER ABDEL-RAHMAN:

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1 Four. Like Number 4. Four photos
2 for each person.

3 MR. SHEN: If the court
4 reporter can just mark that,
5 please.

6 VIDEO TECHNICIAN: Everyone
7 should be back in the room now.

8 - - -

9 (End of FBI Protected
10 Material.)

11 - - -

12 MR. SHEN: We're going to
13 take a break for 15 minutes so
14 that the witness can pray.

15 MS. PRITSKER: Just before
16 we go off the record, counsel for
17 Dubai Islamic Bank notes that it
18 has been excluded from the
19 deposition testimony since 9:05
20 a.m. -- since approximately 9:05
21 a.m. Eastern Standard Time and
22 have just been admitted back into
23 the deposition.

24 Thank you.

1 VIDEO TECHNICIAN: We're
2 going to go off the record, 10
3 o'clock a.m.

4 - - -

5 (Whereupon, a brief recess
6 was taken.)

7 - - -

8 VIDEO TECHNICIAN: Back on
9 the record at 10:22 a.m.

10 BY MR. POUNIAN:

11 Q. Sir, when we went off the
12 record, I was asking about the
13 photographs.

14 Did you get photos made of
15 you and your family before --

16 VIDEO TECHNICIAN: Do you
17 need to go on the FBI record?

18 MR. POUNIAN: No.

19 VIDEO TECHNICIAN: Okay.

20 BY MR. POUNIAN:

21 Q. Did you have photos made of
22 you and your family before you went on
23 the trip to Los Angeles?

24 A. Yes.

1 Q. And you misplaced the photos
2 of yourself; is that right?

3 A. It was only one picture.

4 Q. One picture of you was
5 misplaced?

6 A. It was not misplaced. It
7 was in my pocket, but I didn't realize
8 that it stuck to my pocket.

9 Q. And when did you find that
10 out?

11 A. When I returned, as I was
12 taking off my clothes, I found the
13 picture in the pocket.

14 Q. And these were photos that
15 you had -- you and your family had just
16 taken for the purpose of the passports;
17 is that right?

18 A. Yes, correct.

19 Q. So you said you stopped
20 somewhere to have photos taken in the Los
21 Angeles area; is that right?

22 A. Yes.

23 Q. And you testified that Osama
24 knew a place to have photos taken in Los

1 Angeles?

2 A. Yes.

3 Q. And where was that place?

4 A. I don't know.

5 Q. What town was it in?

6 A. Los Angeles.

7 Q. And how far was it from the
8 consulate?

9 A. I don't remember. But it
10 wasn't far away.

11 Q. And was it a photography
12 studio or some other type of store?

13 A. Yes.

14 Q. And what type of store was
15 it?

16 A. Passport photography studio.

17 Q. So it was specifically for
18 passport photos?

19 A. I don't know. But I went
20 there to have photos taken for the
21 passport.

22 Q. And did a person take your
23 photo?

24 A. Yes.

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1 Q. And how many photos did they
2 make?

3 A. I really don't remember.

4 Q. Well, did they make four
5 photos or three or two or just one?

6 A. Four. Four pictures.

7 Q. And where did you go from
8 the photography studio?

9 A. To the embassy, to the
10 consulate.

11 Q. And what time did you arrive
12 at the consulate?

13 A. I believe it was noon time.

14 Q. And by "noon time," you mean
15 12:00 noon?

16 A. Approximately. Because we
17 performed the prayers at the consulate.

18 Q. What prayer?

19 A. The noon and afternoon
20 prayers. We could combine them because
21 we were traveling.

22 Q. And where at the consulate
23 did you perform prayers?

24 A. At the prayer space.

This Transcript Contains Confidential Material

1 Q. And where was that located
2 at the consulate?

3 A. I don't know.

4 Q. Was there a small mosque at
5 the consulate?

6 A. No, just a room.

7 Q. There's a room where prayers
8 are held at the consulate?

9 A. Yes.

10 Q. And that's where you and
11 Osama performed the prayers, according to
12 --

13 A. Yes.

14 Q. And how many people were
15 praying?

16 A. He and I. He and I. He
17 made the announcement for the prayers,
18 and I led the prayer.

19 Q. And was anyone else praying?

20 A. No, no one else.

21 Q. And this was in the prayer
22 room at the consulate?

23 A. Yes.

24 Q. And did you take the

1 elevator to get there?

2 A. No.

3 Q. Where did you park your car
4 when you went to the consulate?

5 A. At the basement in the
6 consulate.

7 Q. And where did you enter the
8 consulate?

9 A. From the roadway. I don't
10 know exactly, but from the road.

11 Q. Did you enter from the
12 parking area into the consulate?

13 A. No.

14 Q. What did you do?

15 A. Before I went to the
16 consulate, I made a call. I spoke to the
17 operations about my intent to go to the
18 consulate to renew the passports and pick
19 up Quran books.

20 And then they said you must
21 come through -- they gave us directions,
22 as to how to come in.

23 Q. Who did you talk to?

24 A. The operator.

This Transcript Contains Confidential Material

1 INTERPRETER ABDEL-RAHMAN:

2 The witness said the operation.

3 The interpreter believes it's the
4 operator.

5 BY MR. POUNIAN:

6 Q. Where were you when you made
7 the call?

8 A. In the car.

9 Q. And where was the car when
10 you made the call?

11 A. It was after the studio, on
12 the way to the consulate.

13 Q. You were driving when you
14 made the call?

15 A. No, I believe I -- I believe
16 I pulled over and spoke to them; or Osama
17 was talking to them, because Osama was
18 the one who was more familiar with the
19 roads.

20 Q. Well, what is it that you
21 remember, sir? Who made the call?

22 A. I dialed the number. I
23 dialed the number.

24 Q. And then what happened?

This Transcript Contains Confidential Material

1 A. And I had called before that
2 and told them about my intent to come to
3 pick up Quran books and where to park.
4 They said, once you arrive, we will let
5 you know where to park.

6 Q. When had you called before?

7 A. I don't remember.

8 Q. Was it the same day or a
9 different day?

10 A. Possibly a few days before I
11 may have called once, twice or three
12 times, in order for them to prepare the
13 books.

14 Q. Prepare what books?

15 A. The Quran books.

16 INTERPRETER ABDEL-RAHMAN:

17 And the interpreter wishes to
18 introduce a new word which means a
19 book containing the Quran. It's
20 mushaff. It's spelled
21 M-U-S-H-A-F-F. That means a book
22 containing the Quran.

23 BY MR. POUNIAN:

24 Q. So when you dialed -- when

This Transcript Contains Confidential Material

1 you dialed the number of the consulate,
2 were you parked to go to the consulate or
3 were you somewhere between the
4 photography studio and the consulate?

5 A. I don't remember. But I
6 believe that immediately after we were
7 done with the photographs, I made the
8 call.

9 Q. And what did you find out in
10 that call?

11 A. Nothing, just where to park
12 the car and come in.

13 Q. And tell us what the
14 conversation was in that call.

15 A. It was a normal
16 conversation, just Salaam-Alaikum, may
17 peace be upon you. We are from Al-Madina
18 Mosque, I'd like to come and pick up the
19 mushaffs which I called about before.
20 They said the mushaffs were ready. I
21 also said that I had an appointment to
22 renew the passports. They said, okay,
23 come in.

24 Q. Is that it?

1 A. I also told them that I had
2 someone with me, an American person, to
3 help me carry the mushaffs and so forth.

4 Q. Is that the -- is that it?

5 A. Yes.

6 Q. And then what happened?

7 A. We went in.

8 Q. You parked in the
9 underground parking?

10 A. Yes.

11 Q. And you went into the
12 consulate?

13 A. Yes.

14 Q. And what happened?

15 A. We went to the reception,
16 Osama and I.

17 Q. And what happened?

18 A. They said, have a seat,
19 please. And we sat.

20 Q. And then what happened?

21 A. Then she called me by name,
22 she said, Omar, come in.

23 Q. Was that the receptionist or
24 someone else?

This Transcript Contains Confidential Material

1 A. Yes, the receptionist.

2 Q. And what happened?

3 A. She told me to fill out some
4 forms and to place the photos on them.

5 Q. Who told you to fill out
6 forms?

7 A. The lady. Yes.

8 Q. The receptionist or someone
9 else?

10 A. (In English) Yes.

11 Q. I'm sorry, the receptionist
12 or someone else, another person?

13 A. A female receptionist.

14 Q. And this was while you were
15 sitting in the reception area?

16 A. Yes.

17 Q. And you were with Mr. --
18 with Osama while you were filling out
19 these forms?

20 A. Yes.

21 Q. And you filled out the
22 forms.

23 And then what happened?

24 A. I filled out the forms.

1 When we were done with that, then we went
2 to the prayers. Then we picked up the
3 mushaffs and left.

4 Q. And when you went to the
5 prayers, where did you go to the prayers
6 from the reception area?

7 A. It's close to it, in a room,
8 a prayer room.

9 Q. And how far away was it from
10 the reception room?

11 A. It was not far. I don't
12 remember exactly, but not far.

13 Q. Did someone show you where
14 that room was?

15 A. Yes.

16 Q. And who was that?

17 A. (In English) A person,
18 just --

19 (Through Interpreter) A
20 person from the Islamic Affairs.

21 Q. And who was that person?

22 A. I didn't know him.

23 Q. It was a man?

24 A. Yes.

This Transcript Contains Confidential Material

1 Q. Can you describe him?

2 A. He was a non-Saudi.

3 Q. And what did he look like?

4 A. Medium sized. He had a
5 beard.

6 Q. And why did he direct you to
7 the prayer room?

8 A. To pray.

9 Q. And how did that happen,
10 that he directed you there?

11 A. I asked the receptionist
12 about where to perform the prayers. And
13 she said, that brother standing there
14 will escort you to the prayer room.

15 Q. And who was the brother
16 standing there?

17 A. That's the person. That's a
18 person who led us to the prayer room.

19 Q. And that's the person you
20 said is from Islamic Affairs?

21 A. Yes. He introduced himself
22 to us. He said -- and he said that he
23 was the one who was going to give us the
24 mushaffs.

1 Q. And he was standing in the
2 reception area when you asked about
3 prayers?

4 A. Yes, he was nearby.

5 Q. When you say "nearby," what
6 do you mean?

7 A. In the same location, and it
8 was a big place.

9 Q. He just happened to be in
10 that room that you and Osama were sitting
11 in; is that right?

12 INTERPRETER MIKHAIL: Asking
13 for repetition. Interpreter will
14 repeat.

15 THE WITNESS: Yes.

16 BY MR. POUNIAN:

17 Q. And did he pray with you in
18 the prayer room?

19 A. No.

20 Q. Did he stay with you in the
21 prayer room?

22 A. No.

23 Q. About how long were you in
24 the prayer room?

This Transcript Contains Confidential Material

1 INTERPRETER MIKHAIL:

2 Technical issue again. Perhaps
3 the witness is frozen.

4 VIDEO TECHNICIAN: We're
5 going to go off the record, 10:47
6 a.m.

7 - - -

8 (Whereupon, a brief recess
9 was taken.)

10 - - -

11 VIDEO TECHNICIAN: We're
12 back on the record at 10:52 a.m.

13 BY MR. POUNIAN:

14 Q. My question was, how long
15 were you in the prayer room?

16 A. The prayer room? About ten
17 minutes.

18 Q. And where did you go from
19 the prayer room?

20 A. Back to the reception.

21 Q. Did someone accompany you?

22 A. Osama.

23 Q. Did someone accompany you
24 and Osama back to the reception?

1 A. No. We finished the prayer,
2 and we went back.

3 Q. And was anyone else in the
4 prayer room when you were there?

5 A. No.

6 Q. What happened next?

7 A. So at the reception, they
8 said the passports will be ready
9 overnight. And other than that, the
10 mushaff books were ready -- the mushaff
11 books were ready, waiting for delivery --
12 waiting to be received.

13 (In English) To be picked
14 up.

15 Q. What happened next?

16 A. We took the mushaff books
17 and we left.

18 Q. And where were the books?

19 A. We put them in the car.

20 Q. And where did you get the
21 books from?

22 A. From the consulate.

23 Q. And where in the consulate
24 did you get the books?

This Transcript Contains Confidential Material

1 A. No, I do not know. We went
2 back to the car, they brought the books
3 and put them in the car.

4 Q. How did you get to the car?

5 A. (In English) Walking.

6 (Through Interpreter)

7 Walked.

8 Q. So you walked out the door
9 into the parking area and to your car?

10 A. Yes.

11 Q. And who gave you the books?

12 A. The consulate.

13 Q. Who at the consulate?

14 A. The same person who led us
15 to the prayer room.

16 Q. And when did that person
17 give you the books?

18 A. When? Correct, when?

19 After we finished the
20 prayer.

21 Q. And where did they -- where
22 did they give you the books?

23 A. They loaded them in the car.

24 Q. Who loaded them in the car?

This Transcript Contains Confidential Material

1 A. That person, and another
2 person who helped. Osama was the one
3 helping them.

4 Q. So the man from Islamic
5 Affairs and Osama loaded the books in the
6 car?

7 A. Yes.

8 Q. And was there anyone else
9 helping to load the books into the car?

10 A. Yes. There was a worker
11 helping.

12 Q. Was the receptionist the
13 only woman that you met at the consulate?

14 A. Yes.

15 Q. And did you meet any men at
16 the consulate, other than the Islamic
17 Affairs man that you described?

18 A. No.

19 Q. So am I correct the only two
20 people you met at the consulate were the
21 receptionist at the front, at the
22 entrance where you came in, and the
23 Islamic Affairs person?

24 MR. SHEN: Objection to

1 form.

2 You can answer.

3 INTERPRETER MIKHAIL: The
4 interpreter will repeat the
5 question.

6 THE WITNESS: And the
7 worker.

8 BY MR. POUNIAN:

9 Q. So the three people you met
10 were the receptionist at the place where
11 you entered the consulate, the Islamic
12 Affairs man, and the worker who helped
13 load books in the car?

14 A. Yes.

15 Q. How many books were there?

16 A. I don't remember.

17 Q. What happened next?

18 A. We went back to San Diego.

19 But before that -- so we
20 went back. But on the road after we left
21 the embassy, we were hungry and we wanted
22 to get something to eat. So we went and
23 ate.

24 Q. And where did you go?

This Transcript Contains Confidential Material

1 A. A restaurant.

2 Q. And what restaurant?

3 A. I don't know. It was a
4 restaurant that served halal meat.

5 Q. And was it a place you had
6 been to before?

7 A. No.

8 Q. How did you know to go
9 there?

10 A. We saw it on the way.

11 Q. You saw it on the way.
12 When did you see it on the
13 way?

14 A. When we were going to San
15 Diego.

16 Q. So you're saying you left
17 the consulate and on the way back to San
18 Diego you saw a restaurant?

19 A. Yes.

20 Q. And where was the restaurant
21 that you saw?

22 A. I do not know. I do not
23 remember.

24 Q. Do you know what town it was

1 in?

2 A. It was Los Angeles.

3 Q. And what happened then?

4 A. After we ate in the
5 restaurant, we went back to San Diego.

6 Q. Did you have your -- you had
7 your cell phone with you on this trip; am
8 I correct?

9 A. Yes.

10 Q. And when we discussed
11 earlier you making a call to the
12 consulate, that was on your cell phone;
13 is that right?

14 A. Yes.

15 Q. And you called other places
16 other than the consulate that day on your
17 telephone?

18 A. I don't remember.

19 Q. What type of food was at the
20 restaurant that you stopped at?

21 A. Halal meat.

22 Q. And how did you know from
23 the outside of the restaurant that it had
24 halal meat?

1 A. So they had the meat
2 suspended.

3 INTERPRETER ABDEL-RAHMAN:
4 Hanging.

5 INTERPRETER MIKHAIL:
6 Hanging.

7 BY MR. POUNIAN:

8 Q. And you noticed that as you
9 were driving by?

10 A. Yes. We saw it, me and
11 Osama.

12 Q. And what is it -- can you
13 just tell us, what is it that you saw
14 that made you stop at that particular
15 restaurant?

16 A. We were looking for another
17 restaurant that me and my family had
18 eaten at before, but it was closed, I
19 believe. And this one was next to it.

20 Q. Sir, can you tell us, what
21 is it that you saw that made you stop at
22 that particular restaurant?

23 A. So the way they had the meat
24 hanging. And also the barbecue, they had

1 a barbecue.

2 Q. And you were driving by and
3 you saw that?

4 A. Yes.

5 Q. And you decided to stop at
6 that place?

7 A. Yes.

8 Q. And where did you park?

9 A. In front of the restaurant.

10 Q. And then what happened?

11 A. We went inside the
12 restaurant and we ate.

13 Q. What time was it?

14 A. (In English) I don't know.

15 (Through Interpreter) I
16 don't know.

17 Q. Can you tell us
18 approximately what time it was when you
19 went to the restaurant?

20 A. I don't remember. But it
21 was before dusk.

22 Q. Was it getting dark out?

23 A. It was before dusk, maybe an
24 hour before sunset.

1 Q. And what kind of food was at
2 the restaurant?

3 A. Meat.

4 Q. What kind of meat?

5 A. (In English) I don't
6 remember. Meat, halal.

7 (Through Interpreter) I
8 don't remember. It was halal meat.

9 Q. And what happened while you
10 were having lunch?

11 A. I went and washed my hands.
12 We finished the food, and I went and
13 washed my hands and we got moving.

14 Q. And then what happened?

15 A. While I was washing, I heard
16 two people talking Arabic.

17 Q. And you were washing your
18 hands in the washroom of the restaurant?

19 A. So it wasn't a bathroom. It
20 was a sink, a place to wash.

21 Q. And this was a bathroom with
22 a door on it, I assume?

23 MR. SHEN: He said it was
24 not a bathroom.

This Transcript Contains Confidential Material

1 THE WITNESS: A place to
2 wash.

3 INTERPRETER ABDEL-RAHMAN: A
4 sink is a good word.

5 THE WITNESS: It was a sink.
6 There was a sink.

7 BY MR. POUNIAN:

8 Q. And what did you hear when
9 you were at the sink?

10 A. I heard them speaking
11 Arabic.

12 Q. Who?

13 A. Those two people.

14 Q. What two people?

15 A. Called Nawaf and Khalid --
16 Nawaf and Khalid.

17 Q. And did you talk to them?

18 A. When I heard them, I greeted
19 them, peace be on you.

20 Q. And did you have a
21 conversation with them?

22 A. Yes. They said, and peace
23 be on you.

24 Q. And where was Osama at that

1 time?

2 A. At the table.

3 Q. And where were you and Nawaf
4 and Khalid?

5 A. Up front at a table next by.
6 Because I washed my hands, and I was
7 walking back. There was our table and
8 their table was next to ours.

9 Q. Were they sitting at their
10 table already?

11 A. Yes.

12 Q. Were they eating already?

13 A. They finished, like us.
14 They were getting done like us.

15 Q. So they had been sitting
16 next to you at the restaurant before you
17 went to wash your hands?

18 A. No, they were behind me.

19 Q. But they had been sitting
20 behind you at the restaurant while you --
21 before you went to wash your hands?

22 A. Yes.

23 Q. And how far away was their
24 table from your table?

This Transcript Contains Confidential Material

1 A. (In English) Two meters.

2 (Through Interpreter) Maybe

3 2 meters.

4 Q. And the first time you heard
5 them was when you went to wash your
6 hands?

7 A. Yes.

8 Q. And they were seated at
9 their table when you heard them?

10 A. Yes. Because the road to
11 the sink passes by them.

12 Q. And how far was the sink
13 from their table?

14 A. From the table, perhaps 2
15 meters also.

16 Q. And did you have a
17 conversation with Nawaf and Khalid?

18 A. Yes. May peace be upon you,
19 may peace be upon you.

20 Q. Did you say anything else?

21 A. No. They spoke with me and
22 with Osama, but -- okay. I'll wait for
23 the question to answer.

24 Q. You spoke to them in Arabic;

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1 am I correct?

2 A. Yes.

3 Q. And Osama could not speak
4 Arabic; is that right?

5 A. I interpreted for him. I
6 thought they were from the Gulf area,
7 they didn't look like Saudis at first.

8 Q. You interpreted for Osama?

9 A. I interpreted for Osama, and
10 Osama understood a little bit.

11 Q. And what was the
12 conversation that you had?

13 A. Ordinary conversation.
14 Where do you live? I said, we live in
15 San Diego. And I told them that we were
16 on our -- we were going back home to San
17 Diego now and that San Diego was a
18 beautiful city with nice weather.

19 Q. And did you learn that they
20 were from Saudi Arabia?

21 A. Initially I didn't know they
22 were from Saudi Arabia. I thought they
23 were from the Gulf area.

24 But then when they spoke,

This Transcript Contains Confidential Material

1 they said they were from Saudi Arabia.

2 Q. And where in Saudi Arabia
3 were they from?

4 A. Mecca.

5 Q. And they told you that when
6 you first met them?

7 A. Yes. They told me and told
8 Osama at the same time, because we were
9 together.

10 Q. And did you discuss Mecca
11 with them?

12 A. No.

13 Q. Did you tell them that you
14 were from Mecca?

15 A. No.

16 Q. You grew up in the Mecca
17 area, didn't you, sir?

18 A. In Jeddah, which is in the
19 same principality as Mecca.

20 Q. Sir, have you lived in Mecca
21 before?

22 A. No.

23 Q. Have you lived in the Mecca
24 area before?

This Transcript Contains Confidential Material

1 MR. SHEN: Objection to the
2 form. Just clarify, please.

3 BY MR. POUNIAN:

4 Q. Did you tell Nawaf and
5 Khalid that you were from Mecca?

6 A. I am not from Mecca.

7 Q. Were you born in Mecca or
8 near Mecca?

9 A. No.

10 Q. Where were you born, sir?

11 A. (In English) In a small
12 village in Hagar --

13 (Through Interpreter) In a
14 small village by the name of Hagar.

15 Q. And how far is that from
16 Mecca?

17 A. (In English) Maybe five
18 hours.

19 Q. Did you tell Khalid and
20 Nawaf where you were from?

21 A. They could tell the accent
22 without me saying it.

23 Q. Did you tell Khalid and
24 Nawaf where you were from?

This Transcript Contains Confidential Material

1 A. No.

2 Q. Did you give Khalid and
3 Nawaf your address?

4 A. No.

5 Q. Did you give them your phone
6 number?

7 A. I don't remember. But I
8 told them that we lived close to the
9 Islamic Center in San Diego.

10 Q. What else did you tell them?

11 A. There was not much of a
12 conversation. It was, like, a two-minute
13 conversation.

14 (In English) Then back to
15 San Diego.

16 (Through Interpreter) Then
17 we went back to San Diego.

18 Q. So you estimate the length
19 of your conversation as two minutes?

20 A. Approximately.

21 Q. And where did the
22 conversation take place?

23 A. At the restaurant.

24 Q. And were you standing when

This Transcript Contains Confidential Material

1 you were talking to them?

2 A. I really don't remember if I
3 was standing or not.

4 Q. Well, you said you were
5 washing your hands and you overheard them
6 at their table; is that right?

7 A. Yes.

8 Q. And then did you approach
9 them at their table?

10 A. No, they came to my table.

11 Q. And did they sit down with
12 you?

13 A. I don't believe so. We were
14 leaving already.

15 Q. So they were standing and
16 talking to you while you were seated?

17 A. I don't remember. I don't
18 think that -- I don't think that I was
19 sitting while they were standing. I
20 really don't remember whether we were
21 sitting or standing. The whole thing
22 lasted two minutes or less.

23 Q. And what happened then?

24 A. We just went back to San

This Transcript Contains Confidential Material

1 Diego.

2 Q. Did you say anything to
3 Khalid and Nawaf when you left?

4 A. No.

5 Q. Where did they go?

6 A. I don't know. We left right
7 away.

8 Q. Did they stay in the
9 restaurant when you left?

10 A. I don't remember.

11 Q. Where did you leave them?

12 A. We were inside the
13 restaurant. We were leaving, and they
14 also were leaving. But when we left, I
15 don't know if they left also or if they
16 remained in the restaurant.

17 Q. So where did you say goodbye
18 to them?

19 A. At the same moment -- at the
20 same moment. It was not that long of a
21 time. Just Salaam-Alaikum, we live in
22 San Diego, we are leaving now. And we
23 left.

24 Q. And where did you go from

This Transcript Contains Confidential Material

1 there?

2 A. Back home.

3 Q. And did you try to visit the
4 King Fahad Mosque?

5 A. On that day?

6 Q. Yes.

7 A. Yes, we wanted to go to King
8 Fahad Mosque, but we got lost. Then we
9 departed right away.

10 Q. When did you want to go to
11 the King Fahad Mosque?

12 A. On our way back to San
13 Diego, we wanted to stop by King Fahad
14 Mosque. But I got lost and we were
15 exhausted, so I decided just to head
16 home.

17 Q. Why were you exhausted?

18 A. Because of the long travel
19 from San Diego to Los Angeles. I drove
20 from San Diego to Los Angeles, then there
21 was the filling out of the applications
22 and picking up the mushaffs. That all
23 took time and effort.

24 Q. How long were you at the

This Transcript Contains Confidential Material

1 consulate?

2 A. I don't remember.

3 Q. What time of day was it when
4 you drove back to San Diego?

5 A. For the return, it was
6 around sunset time, perhaps shortly after
7 sunset or shortly before. I believe so.

8 Q. Was it dark during your
9 drive to San Diego?

10 A. I don't remember.

11 Q. What did you do when you got
12 back to San Diego?

13 A. I went home.

14 Q. Did you take Omar to his
15 home -- I'm sorry.

16 Did you take Osama to his
17 home?

18 A. No. Osama lived close to
19 us, so it was a walking distance. He
20 just walked.

21 Q. And where was that, that he
22 lived?

23 A. I don't know. But close to
24 us.

This Transcript Contains Confidential Material

1 Q. On the other side of Balboa?

2 A. I don't know.

3 Q. Well, when you say he lived
4 close, where was it that he lived?

5 A. I don't know. I don't know
6 if it was on the other side or not. But
7 I would say that it was about a
8 five-minute walk.

9 Q. And had you gone to his
10 apartment before?

11 A. No.

12 Q. Had he been to your
13 apartment?

14 A. Yes, he did come to my
15 apartment.

16 Q. And how many times?

17 A. (In English) I don't
18 remember.

19 (Through Interpreter) I
20 don't remember.

21 Q. Did he know your children?

22 A. Yes.

23 Q. And what was his
24 relationship with your children?

1 A. No relationship. No
2 relationship.

3 Q. What time did you get home?

4 A. I don't remember.

- Filed publicly -
Pls. Ex. 211
(KSA6642-65)

5 MR. POUNIAN: Can we show
6 the witness Exhibit-463, please?
7 And I just want to take us to Page
8 6644, please.

9 MR. SHEN: Can you give us a
10 Bates number, please?

11 MR. POUNIAN: It's 6644 is
12 the Bates number of this page.

13 MR. SHEN: What's the first
14 document?

15 MR. POUNIAN: It's -- good
16 question. They put the stamp over
17 it. It's -- I believe that it's
18 6642. Hold on a second.

19 MS. INT-HOUT: The exhibit
20 has been uploaded to the marked
21 exhibit folder.

22 BY MR. POUNIAN:

23 Q. Sir, do you recognize this
24 document?

This Transcript Contains Confidential Material

1 A. Yes.

2 Q. And am I correct, is this
3 your -- the passport that was issued to
4 you in 1995?

5 A. Yes.

6 Q. And it was issued in the
7 Holy Capital.

8 Do you see that, sir?

9 A. Yes.

10 Q. And that's Mecca?

11 A. Yes.

12 Q. And why was your passport
13 issued in Mecca?

14 A. (In English) It doesn't
15 matter.

16 (Through Interpreter) In
17 English, it doesn't matter.

18 In Arabic, you can get a
19 passport issued in -- anywhere in the
20 Kingdom. You can get a passport issued
21 in any place in the Kingdom.

22 Q. Why did you get your
23 passport issued in Mecca when you're
24 saying you didn't ever live there?

This Transcript Contains Confidential Material

1 A. It's not that I never lived
2 there. I went to Mecca all the time. I
3 went to Mecca frequently.

4 MR. POUNIAN: Could we show
5 this page together with the
6 following page, 6645, on the same
7 screen?

8 BY MR. POUNIAN:

9 Q. Sir, could you identify what
10 the second page is, 6645, on the lower
11 right-hand corner?

12 A. Yes.

13 Q. And what is that?

14 A. This is a copy of my
15 passport.

16 Q. And this is the passport
17 that you -- that was issued on February
18 1st, 2000?

19 A. Yes.

20 Q. Now, do you understand --

21 MR. POUNIAN: Can we show
22 both side by side, the photograph
23 pages?

24 BY MR. POUNIAN:

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1 Q. Do you know, sir, why the
2 photographs on these two passports are
3 identical?

4 A. When I went to the
5 consulate, I had the older pictures with
6 me. And then the newer pictures that I
7 took were different. And this one got
8 put on the passport. They said this is
9 better to place on the passport.

10 Because the other pictures,
11 which I attached, were not the same like
12 this, they were not the same quality like
13 this.

14 Q. And who did you have that
15 conversation with?

16 A. The reception.

17 (In English) Immediately.

18 (Through Interpreter) Right
19 away, after I showed her the pictures,
20 she said, this one goes on the passport
21 and the others go with the forms.

22 Q. So you brought with you old
23 photographs?

24 A. Yes.

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1 Q. And you also had taken new
2 photographs with your family?

3 A. Yes.

4 Q. And you also had photographs
5 taken on the day that you went to the
6 consulate at the place that Osama brought
7 you to?

8 A. Yes, yes.

9 Q. And what's the photo that
10 you had lost that you found again when
11 you got home?

12 A. I believe it's similar to
13 this, one of these.

14 Q. And how many of those photos
15 did you have when you went to the
16 consulate, the old photos?

17 A. I was supposed to take four
18 photos with me. But I believe that one
19 or two of the photos got stuck in my
20 pocket. And I got upset and I went ahead
21 and had new pictures taken -- new photos
22 taken.

23 Q. Where were the 1995
24 photographs taken, the ones that were in

1 the 1995 passport?

2 A. I believe in Saudi Arabia.

3 Q. And you kept them for five
4 years?

5 A. Yes, there were pictures.
6 When we have pictures taken, we take,
7 like, 20 at a time. Because I had so
8 many forms to fill out, I needed to fill
9 out forms for the American Embassy and
10 needed to fill out forms for
11 universities.

12 That's why I needed to
13 always keep with me a big number of
14 photos, 20 or 30 at a time.

15 Q. And how many of those photos
16 were left on the day that you went to the
17 consulate?

18 A. I don't remember. But when
19 I noticed that there were missing
20 pictures, I went ahead and had new
21 pictures taken.

22 Q. And you told us earlier that
23 you also went and had pictures taken with
24 your family.

1 So what happened to those
2 pictures?

3 A. I didn't -- I don't
4 understand the question.

5 Q. Sir, you testified earlier
6 that you went and had photographs taken
7 with your family for the passports.

8 What happened to those
9 pictures?

10 A. No, I didn't say that.

11 Q. So your plan was to go to
12 the consulate with five-year-old
13 photographs?

14 A. That's fine. They would be
15 accepted. No problem.

16 Q. You said you normally --
17 sorry.

18 MR. POUNIAN: Was he done?

19 THE WITNESS: They would be
20 accepted. No problem.

21 BY MR. POUNIAN:

22 Q. How did you know that?

23 A. How did they accept them,
24 then?

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1 Q. I'm saying, how did you know
2 in advance that they would accept
3 photographs that were five years old?

4 A. I don't know.

5 Q. Why did you need to get your
6 passport renewed?

7 A. Because it was expiring.

8 Q. And you were planning a trip
9 to Saudi Arabia; am I correct?

10 A. Not necessarily. When the
11 passport expires, you renew it right
12 away. If I had time, I would go and
13 renew it right away.

14 Q. Sir, weren't you planning to
15 take a trip to Saudi Arabia?

16 A. I don't remember at that
17 time.

18 Q. Sir, at the time you went to
19 the consulate in 2000, didn't you know,
20 at that time, that you were planning on
21 going to Saudi Arabia later that year?

22 A. I don't remember.

23 Q. Sir, did you read the
24 instructions for getting a renewal of a

1 passport before you went to the
2 consulate?

3 A. I don't think so.

4 Q. Do you know that there was a
5 requirement that a photo be taken within
6 a certain amount of time before it was
7 issued?

8 A. No, I don't remember. But
9 had they not accepted it, I would have
10 taken a picture and brought it to them at
11 another time.

12 But they accepted it, so it
13 was fine.

14 Q. When did you next hear of
15 Nawaf or --

16 MR. SHEN: Steve, if we're
17 going to move on, can we take a
18 break?

19 MR. POUNIAN: Sure. We can
20 take a break now.

21 VIDEO TECHNICIAN: We're
22 going to go off the record. The
23 time is 11:51 a.m.

24 - - -

1 (Whereupon, a brief recess
2 was taken.)

3 - - -

4 VIDEO TECHNICIAN: Back on
5 record, 12:19 p.m.

6 BY MR. POUNIAN:

7 Q. Sir, you said that when you
8 were heading back to San Diego, it was
9 dusk or dark out.

10 Did you call your wife to
11 let her know you would be coming home?

12 MR. SHEN: Do we have a
13 translator?

14 MR. POUNIAN: Marwan, are
15 you there?

16 INTERPRETER MIKHAIL: Yes, I
17 will start.

18 MR. POUNIAN: Can you
19 translate the question, please?

20 INTERPRETER MIKHAIL: Can
21 you please repeat the question?

22 BY MR. POUNIAN:

23 Q. Sir, you testified that when
24 you were heading back to San Diego, it

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1 was dusk or dark out.

2 Did you call your wife and
3 let her know when you would be getting
4 home?

5 A. I don't remember.

6 Q. Would that be something that
7 you typically do?

8 A. Not necessarily.

9 Q. Did your wife know you were
10 going to Los Angeles?

11 A. (In English) Can you repeat
12 the question, please?

13 INTERPRETER MIKHAIL:

14 Interpreter wants to clarify the
15 question.

16 Was your wife aware that you
17 were on your way to Los Angeles or
18 on the way back from LA?

19 Can you please repeat the
20 question, counsel?

21 BY MR. POUNIAN:

22 Q. Sure.

23 MR. POUNIAN: Where did that
24 clarification come from, from the

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1 interpreter or from the witness?

2 INTERPRETER MIKHAIL: No,
3 the interpreter wasn't sure if
4 interpreter heard it and
5 interpreted it correctly or not.

6 Because the witness asked,
7 on the way to Los Angeles or on
8 the way back from Los Angeles?

9 BY MR. POUNIAN:

10 Q. My question was, did your
11 wife know you were going to Los Angeles?

12 A. What do you mean on my way
13 to Los Angeles? I was on my way back
14 from Los Angeles.

15 Q. My question was, did your
16 wife know that you were taking a trip to
17 Los Angeles to visit the consulate?

18 A. Yes, yes.

19 MR. SHEN: There was a
20 ping sound before. Is that
21 someone's text message or is
22 someone recording this deposition?

23 MR. POUNIAN: I have no idea
24 where that came from.

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1 MR. SHEN: We heard it
2 yesterday, too. So I just want to
3 make sure.

4 INTERPRETER MIKHAIL:
5 Somebody texted me about the time.
6 I'm not sure if that was the ring.
7 Marwan was texting about the time
8 that I want him to take over.

9 I'm not sure if that rang
10 because I have my telephone on
11 silent. But nothing is being
12 recorded.

13 MR. SHEN: Thank you. Just
14 please make sure that no one but
15 the videographer is recording any
16 portion of this deposition.

17 INTERPRETER MIKHAIL: Okay.
18 Next question, counsel.

19 BY MR. POUNIAN:

20 Q. And did you tell your wife
21 when you would be getting back from Los
22 Angeles?

23 A. No.

24 Q. Sir, when --

1 A. Are you asking me would I
2 inform her when I got there?

3 Q. Sir, I asked the question
4 and you answered it.

5 When did you next see Nawaf
6 and Khalid?

7 A. I saw them at the mosque.

8 Q. And how did you come to see
9 them at the mosque?

10 A. I arrived late to the
11 prayer, and I found them speaking with
12 the Imam and the other people who were
13 praying.

14 Q. Which prayer?

15 A. From what I remember, it was
16 the dusk prayer.

17 INTERPRETER ABDEL-RAHMAN:

18 It also means afternoon.

19 INTERPRETER MIKHAIL:

20 Interpreter corrects. The
21 afternoon prayer.

22 BY MR. POUNIAN:

23 Q. And was it just happenstance
24 that you were at the mosque at the same

1 time Nawaf and Khalid were at the mosque?

2 A. No. They were already at
3 the mosque, and I arrived late for the
4 prayer and I met them there.

5 Q. And how long had they been
6 at the mosque before you arrived?

7 A. I don't remember.

8 Q. And what mosque did you see
9 them at?

10 A. Islamic Center.

11 Q. And did you walk up to them
12 when you saw them?

13 A. No, they came and they said,
14 peace be on you.

15 Q. So the first time that you
16 saw them, they came up to you at the
17 Islamic Center of San Diego; is that
18 right?

19 A. Yes.

20 Q. And before that, had anyone
21 told you that they were at the Islamic
22 Center of San Diego?

23 A. No, no one told me.

24 Q. And was anyone else present

1 when you talked to them?

2 A. Yes. It was during the
3 prayer time, there were people present.

4 Q. Was anyone else part of the
5 conversation that you had with them?

6 A. I don't remember.

7 Q. Had they talked to anyone
8 else at the mosque?

9 A. I don't think so.

10 Q. So the first person they had
11 a conversation with at the mosque was
12 you?

13 MR. SHEN: Objection to
14 form. Objection. It's a
15 statement. There's no question.

16 MR. POUNIAN: That's a
17 question.

18 INTERPRETER MIKHAIL: So it
19 is a question?

20 THE WITNESS: They were
21 there before me.

22 BY MR. POUNIAN:

23 Q. Did you see them talking to
24 anyone else at the mosque?

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1 A. They were with a group
2 praying. After they finished the prayer,
3 they were with a group. I don't know
4 their name.

5 MR. POUNIAN: Can we mark as
6 the next -- we need to go on the
7 FBI record. And if I can mark as
8 the next exhibit FBI 1055 through
9 1068.

10 VIDEO TECHNICIAN: One
11 moment. I'm going to move
12 everyone into the FBI room.

13 MS. PRITSKER: Sure.
14 Counsel on behalf of DIB is now
15 being excluded from the deposition
16 testimony.

17 VIDEO TECHNICIAN: Stand by.

18 - - -

19 (FBI Protected Material.)

20 - - -

21 VIDEO TECHNICIAN: Okay.

22 Everyone is in.

23 - - -

24 (Whereupon, Exhibit

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1 al-Bayoumi-703, FBI 1055-1068, was
2 marked for identification.)

- Filed publicly -
Pls. Ex. 2G
(EO 249-57)

3 - - -

4 MR. POUNIAN: If we can show
5 the witness the first page,
6 please.

7 BY MR. POUNIAN:

8 Q. Sir, were you interviewed by
9 the FBI in August of 2003?

10 A. Is that a question?

11 Q. Yes, it's a question.

12 A. I don't remember.

13 Q. Well, if you look at this,
14 the first paragraph, you'll see the date
15 in the upper right-hand corner is August
16 18th, 2013.

17 It states that, Omar
18 al-Bayoumi, date of birth, 1957, was
19 interviewed. Present during the first
20 interview session was FBI special agent.

21 Were you interviewed by the
22 FBI in 2003?

23 A. Yes, there was -- I was
24 interviewed by the FBI, but I don't

1 remember exactly when.

2 Q. And you were also
3 interviewed by the 9/11 Commission?

4 A. Yes.

5 Q. This is an interview report
6 that was prepared as a result of your
7 interview with the FBI in 2003.

8 MR. POUNIAN: And if I could
9 take you to, please, to Page 1061
10 of this document. This should be
11 seven pages into the document.
12 One more page. One more page.

13 And if we could highlight
14 the paragraph that says, Less than
15 one week.

16 BY MR. POUNIAN:

17 Q. The FBI wrote that -- as a
18 result of the interview with you, that
19 they stated that you told them that, Less
20 than a week after the trip to Los
21 Angeles, Khalid and Nawaf arrived at the
22 Islamic Center of San Diego and asked the
23 Imam if Omar was around.

24 Do you see that, sir?

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1 A. Yes.

2 Q. And did you tell the FBI
3 that, that they arrived at the ICSD and
4 asked the Imam if you were around?

5 A. Yes, I remember. But it
6 wasn't a week after. I don't remember
7 exactly the time.

8 Q. I'm not asking now about the
9 time, sir.

10 I'm asking you, did you tell
11 the FBI that Nawaf and Khalid came to the
12 ICSD mosque and asked the Imam if Omar
13 was around; Omar al-Bayoumi, meaning you?

14 A. Yes. So the Imam, after
15 they finish -- after the Imam finishes
16 the prayer, he turns around to face those
17 who are praying, just like that.

18 So after the prayer was
19 finished, they were sitting and they --
20 along with a group, and they inquired, is
21 Omar al-Bayoumi here?

22 At the time I was arriving
23 late. I had just gotten there from
24 outside. And he pointed at me, him and

1 the group, and they said, that's Omar
2 al-Bayoumi.

3 Q. Well, let's go further on in
4 this paragraph.

5 It states that, The Imam
6 responded that Omar would be in later to
7 pray.

8 Did you tell the FBI that
9 the Imam responded -- your understanding
10 was that the Imam told Nawaf and Khalid
11 that you would be back -- you would be in
12 later to pray?

13 A. I don't understand the
14 question.

15 Q. Did you tell the FBI that
16 the Imam responded to Nawaf and Khalid
17 that Omar al-Bayoumi would be in later to
18 pray at the mosque?

19 A. I usually attend the prayer.
20 Perhaps on that day I was late,
21 therefore, the Imam's response was Omar
22 should be coming or would be coming.

23 Q. Did you tell the FBI that
24 the Imam responded that Omar al-Bayoumi

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1 would be in later to pray?

2 A. No.

3 Q. And the next sentence says,
4 al-Bayoumi did not recall if he met
5 Khalid and Nawaf at the mosque or at the
6 apartment complex later that day.

7 Did you tell the FBI that
8 you did not remember if you met Khalid
9 and Nawaf at the mosque or at the
10 apartment complex later that day?

11 A. No. I met them at the
12 mosque.

13 Q. So you're saying this
14 statement is incorrect?

15 A. I believe so.

16 Q. Is your memory better now,
17 sir, than it was in 2003 when you talked
18 to the FBI?

19 A. My memory there is perhaps
20 the form or the phrase, the wording was
21 wrong.

22 But what I remember is I
23 went to the prayer -- I arrived late at
24 the prayer, and they were with the Imam

1 and the group. And they pointed at me
2 and they said, here is Omar.

3 Q. Who pointed at you?

4 A. Those who were praying and
5 the Imam. I arrived late and somebody
6 coming in late, and they were pointing at
7 me and they were saying, this is Omar.

8 MR. POUNIAN: You can take
9 that down now.

10 BY MR. POUNIAN:

11 Q. And what did you -- can you
12 tell us the conversation that you had
13 with Nawaf and Khalid when you met them?

14 A. At the mosque?

15 Q. You're saying it was at the
16 mosque. Yes.

17 What's the first
18 conversation you had with them?

19 A. I don't remember.

20 Q. What happened next?

21 A. What do you mean "what
22 happened next"?

23 Q. Did you see Nawaf and Khalid
24 again after that?

1 A. After that, when they came
2 to rent the apartment.

3 Q. And what day was that on?

4 A. I don't remember.

5 Q. Well, how long after you
6 first saw them at the -- how long after
7 you first saw them did they -- did you
8 meet them about renting the apartment?

9 A. I really don't remember.

10 Q. How long had it been since
11 you saw them in Los Angeles until the
12 time you saw them for the first time in
13 San Diego?

14 A. It could be a week. It
15 could be four days. I really don't
16 remember. I don't know.

17 Q. Could it be one day?

18 A. I don't believe one day.

19 Q. Could it be two days?

20 A. I don't remember.

21 Q. And why do you not believe
22 one day?

23 A. Because it didn't happen
24 right away that they came. It was

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1 sometime later.

2 Q. And how long later?

3 A. You mean after I met them in
4 Los Angeles?

5 Q. Yes.

6 A. I don't recall.

7 Q. So you don't know how long
8 it was between the time you met them in
9 Los Angeles and the time you first saw
10 them in San Diego?

11 A. I don't remember.

12 MR. POUNIAN: Let's go on
13 the FBI record.

14 VIDEO TECHNICIAN: Did you
15 say go on the FBI record?

16 MR. POUNIAN: Oh, we're
17 still on it. Okay. I'm fine.
18 Thank you.

19 If we could mark as the next
20 exhibit FBI 8023 to 60, please.

21 - - -

22 (Whereupon, Exhibit
23 al-Bayoumi-704, FBI 8023-8060, was
24 marked for identification.)

- Filed publicly -
Pls. Ex. 679J
(FBI8023-8060)

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1 - - -

2 MR. POUNIAN: If we could go
3 to PDF 4 on this document, which
4 is FBI 8026.

5 BY MR. POUNIAN:

6 Q. Sir, is this -- is this your
7 handwriting on this document?

8 A. Yes. Yes.

9 Q. All the handwriting that's
10 on this page is your handwriting; is that
11 right?

12 A. No.

13 Q. What handwriting is not your
14 handwriting?

15 A. (In English) Social
16 Security.

17 (Through Interpreter) That
18 thing down there, Social Security. And
19 after that also.

20 Q. I don't see any handwriting
21 at Social Security.

22 Oh, you're saying that --
23 you're saying that is not your
24 handwriting?

1 A. (In English) Yes, yes, yes.

2 Q. But the name above that is
3 your handwriting?

4 A. Yes.

5 Q. That's your handwriting?

6 A. Yes, yes.

7 Q. And if we go down below to
8 where it says, Residences, this is your
9 handwriting here also?

10 A. Yes.

11 MR. POUNIAN: Go to the next
12 page of the document. And we're
13 going to have to flip.

14 BY MR. POUNIAN:

15 Q. Is that your handwriting
16 there under --

17 A. Yes.

18 Q. Everything there that we're
19 showing is your handwriting under,
20 Personal references, and, In case of
21 emergency?

22 A. Yes.

23 Q. Okay.

24 MR. POUNIAN: Now, could we

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1 now go to 18 of the PDF on this
2 document, please?

3 BY MR. POUNIAN:

4 Q. And is that your signature,
5 sir?

6 A. Yes.

7 MR. POUNIAN: And could we
8 go to Page 25? And could we just
9 highlight.

10 BY MR. POUNIAN:

11 Q. Is that -- is the lower
12 right-hand signature, is that your
13 signature?

14 MR. POUNIAN: No, below
15 that.

16 THE WITNESS: Yes, the one
17 below. Yes.

18 BY MR. POUNIAN:

19 Q. You signed below your name
20 and someone else signed above your name;
21 is that right?

22 A. Yes, yes.

23 MR. POUNIAN: And if we
24 could go to Page -- it's 8053 in

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1 the lower right-hand corner, about
2 six pages later.

3 And if we could just
4 highlight Mana Life on the
5 right-hand side under E. Just
6 highlight that.

7 BY MR. POUNIAN:

8 Q. Sir, what is -- what is Mana
9 Life?

10 A. (In English) I don't know.

11 Q. This came up on your credit
12 report.

13 Do you know what that is?

14 A. (In English) No.

15 (Through Interpreter) My own
16 credit report? No.

17 Q. All right.

18 MR. POUNIAN: If we could
19 now mark as the next exhibit FBI
20 8276, please.

21 - - -

22 (Whereupon, Exhibit
23 al-Bayoumi-705, FBI 8276-8281, was
24 marked for identification.)

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1 - - -

2 BY MR. POUNIAN:

3 Q. And, again, sir, is this
4 your handwriting on this document?

5 A. Yes.

6 MR. POUNIAN: And if we
7 could turn to the next page, FBI
8 8277.

9 BY MR. POUNIAN:

10 Q. Is this your -- is this your
11 handwriting in the personal references
12 and in case of emergency on this
13 document?

14 A. Yes.

15 Q. And did you -- is it your
16 handwriting next to the date on this
17 document in the lower -- is that your
18 handwriting of the date?

19 A. The date, yes.

20 Q. But not the signature?

21 A. No.

22 Q. All right.

23 MR. POUNIAN: If we go to
24 the next page, 8278.

1 BY MR. POUNIAN:

2 Q. And we've already -- I've
3 already shown you this document earlier.

4 And you said this was your
5 signature except for the line where it
6 says Social Security.

7 A. Yes.

8 MR. POUNIAN: And if we
9 could turn to the next page.

10 BY MR. POUNIAN:

11 Q. And, again, this is your
12 handwriting here?

13 A. Yes.

14 Q. And you handwrote in the
15 date on the bottom here also?

16 A. Yes.

17 MR. POUNIAN: And if we
18 could go to the next page, please.

19 BY MR. POUNIAN:

20 Q. And do you recognize your
21 handwriting on this page, sir?

22 A. Yes.

23 Q. And is your handwriting --
24 did you handwrite your name?

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1 MR. POUNIAN: If you can
2 scroll up, please, at the top.
3 Thank you. And just highlight the
4 name.

5 BY MR. POUNIAN:

6 Q. You handwrote that and your
7 driver's license number?

8 A. I don't remember.

9 Q. Is that your handwriting?

10 A. Yes.

11 Q. And is it your handwriting
12 under, Residences, and, Employment?

13 A. The residences, yes.

14 Q. But it's not your
15 handwriting under employment?

16 A. No.

17 Q. All right.

18 MR. POUNIAN: If we go to
19 the next page.

20 BY MR. POUNIAN:

21 Q. Is everything on this page
22 your handwriting, sir?

23 A. Yes.

24 Q. Did you go with Khalid and

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1 Nawaf to the Parkwood Apartments rental
2 office?

3 A. Yes.

4 Q. Did you show them where that
5 was?

6 A. Yes.

7 Q. And where did you meet them
8 when you took them to that office?

9 A. I really don't remember now.

10 Q. But you met them somewhere
11 and then took them to the Parkwood
12 Apartments rental office?

13 A. Yes.

14 Q. And did you go with Khalid
15 and Nawaf to the Bank of America?

16 A. Yes.

17 Q. And did you help them set up
18 a bank account there?

19 A. No. The bank was
20 immediately behind us. I went with them,
21 and they opened the account.

22 Q. And did you help them -- did
23 you show them where the bank was?

24 A. I went with them to the

1 bank.

2 Q. You walked with them?

3 A. Yes.

4 Q. And where did you walk from?

5 A. (In English) From the
6 complex.

7 Q. And that's where you lived?

8 A. Yes.

9 Q. And you took them to the
10 bank?

11 A. I went with them to the
12 bank, yes.

13 Q. And what was the purpose of
14 going with them to the bank?

15 A. The manager requested a
16 check for the rent.

17 Q. You're saying the manager of
18 the Parkwood Apartments?

19 A. Yes.

20 Q. And did you go -- you
21 took -- you then took Khalid and Nawaf to
22 the bank?

23 A. (In English) I walked with
24 them to the bank.

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1 (Through Interpreter) I
2 walked with them to the bank.

3 Q. And did you get a check for
4 them from your account?

5 A. No, they went to open an
6 account at the bank. But the teller
7 there said that a check cannot issue
8 right then. The account needed 24 hours
9 to activate.

10 Q. Did you translate for them
11 at the bank?

12 A. Yes.

13 Then the employee said, let
14 them deposit the money in your account
15 and issue the check from your account.

16 (In English) Same amount.

17 (Through Interpreter) Same
18 amount.

19 Q. And you wrote a check from
20 your account for the payment for the --
21 for Nawaf and Khalid?

22 A. No. They deposited the
23 amount in the account. Then a check was
24 issued for the Parkwood Apartments.

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1 Q. And the check was issued
2 from your account to the Parkwood
3 Apartments; is that right?

4 A. Yes. After the deposit was
5 made.

6 Q. And the deposit was made
7 how?

8 A. They deposited the money,
9 and we issued the check right away.

10 Q. And they deposited cash?

11 A. Yes, yes.

12 Q. And you saw the cash?

13 A. Yes.

14 Q. And what did you do with the
15 check when you got it?

16 A. (In English) To the manager.
17 (Through Interpreter) To the
18 manager. To the manager of the complex
19 for the rent.

20 Q. So you walked back to the
21 complex and gave the manager the check?

22 A. Yes.

23 Q. And Nawaf and Khalid were
24 with you?

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1 A. Yes, yes.

2 Q. And what time of day was it
3 when you got back to the apartment
4 complex?

5 A. I don't remember.

6 Q. Did Khalid or Nawaf deposit
7 money at the bank?

8 A. They deposited that amount
9 into my account immediately. They gave
10 it to the teller and the teller made the
11 deposit into my account, then I gave them
12 the check.

13 Q. They gave the teller cash
14 that was to be deposited in your account
15 to cover the amount of the check; is that
16 right?

17 A. Yes.

18 Q. And did they also deposit
19 cash for their own account that they were
20 opening at the bank?

21 A. I don't know. Because they
22 were speaking with the teller. I don't
23 know.

24 Q. But you were translating for

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1 them, sir, weren't you?

2 A. Translating for who?

3 Q. Translating for Khalid and
4 Nawaf.

5 A. Yes.

6 Q. So did you -- did they open
7 an account at the bank, depositing cash
8 at that same time?

9 A. I don't remember whether
10 they made a deposit or didn't make a
11 deposit.

12 What I remember is that I
13 spoke with the employee and he said that
14 a check cannot be issued from the account
15 until 24 hours later, when the account is
16 activated.

17 But then they started
18 speaking with the employee themselves,
19 using sign language, they communicated
20 with him directly.

21 Q. So they were opening an
22 account at the bank, it's just that they
23 couldn't get a check issued until the
24 account had been open for 24 hours; is

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1 that right?

2 A. Yes, yes.

3 Q. And you saw them using sign
4 language with the bank officer?

5 A. Yes, yes.

6 Q. What kind of sign language
7 was it?

8 A. They spoke somewhat English.
9 They had basic English.

10 Q. Sir, did you speak to Fahad
11 al-Thumairy on the day that you assisted
12 the -- Nawaf and Khalid with these
13 banking matters?

14 MR. SHEN: There's an
15 objection to the form of the
16 question.

17 You can answer.

18 THE WITNESS: I don't
19 remember.

20 MR. POUNIAN: [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

[REDACTED]

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2 BY MR. POUNIAN:

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Q.

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MR. SHEN:

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14 BY MR. POUNIAN:

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Q.

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MR. SHEN:

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THE WITNESS:

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23 BY MR. POUNIAN:

24

Q.

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1 MR. POUNIAN: [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED]

11 BY MR. POUNIAN:

12 Q. [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Wh [REDACTED]
20 [REDACTED]

21 MR. SHEN: [REDACTED]

22 BY MR. POUNIAN:

23 Q. [REDACTED]

24 MR. SHEN: [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED] [REDACTED]

MS. FLOWERS: [REDACTED]

[REDACTED]

[REDACTED]

MR. SHEN: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MS. FLOWERS: [REDACTED]

[REDACTED]

[REDACTED]

MR. SHEN: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

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[REDACTED] [REDACTED]

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MS. FLOWERS:

MR. SHEN:

MS. FLOWERS:

MR. SHEN:

MS. FLOWERS:

1 THE WITNESS: First of all,
2 let me tell you that if I called
3 Fahad al-Thumairy ten times, he
4 wouldn't answer. This is the
5 first thing.

6 And the second thing is that
7 whenever I called Fahad
8 al-Thumairy, it was regarding
9 either mushaffs or a question from
10 one of the mosque patrons.

11 BY MR. POUNIAN:

12 Q. Did Fahad al-Thumairy call
13 you?

14 A. Well, Fahad, I really
15 can't -- you know, Fahad doesn't answer
16 the phone calls coming to him. Maybe out
17 of 50 calls, he would answer one.

18 So, for example, if I had
19 someone who was asking a question which I
20 should direct to him, or to another Imam
21 or another Sheikh, it was hard to get
22 ahold of him. It was hard to get him to
23 answer the phone.

24 Q. Sir, I asked you about this

1 group of calls.

2 There's a group of calls
3 from December 6th, 1999, to February 4th,
4 2000; 22 calls in that period of time.

5 Can you tell us, sir, what
6 you were talking to Fahad al-Thumairy
7 about on those calls?

8 MR. SHEN: Objection.
9 Completely mischaracterizes the
10 record.

11 THE WITNESS: It's either
12 one of two things.

13 Number one, if we needed the
14 mushaffs. The second thing would
15 be someone in the mosque asking a
16 question to which I needed an
17 answer.

18 BY MR. POUNIAN:

19 Q. Sir, do you remember what
20 you were talking about on these phone
21 calls, these 22 calls, to or from Fahad
22 al-Thumairy?

23 MR. SHEN: Objection.
24 Mischaracterizes the record.

1 THE WITNESS: Well, the
2 calls were not necessarily coming
3 from me. It could be from one of
4 the worshippers in the mosque.

5 As, for example, there's a
6 call on December 19th, one on
7 December 20th, another on December
8 21st, 21st, 27th, all the way to
9 February 4th. And it could be one
10 of the worshippers asking --
11 calling to ask a question. It's
12 not necessarily me.

13 BY MR. POUNIAN:

14 Q. And there's calls from Mr.
15 Thumairy to your cell number; is that
16 right, sir?

17 MR. SHEN: Objection. He
18 can answer as to what is stated on
19 the document. You're not showing
20 him the source documents.

21 I assume you're not asking
22 him to verify the veracity of what
23 you have put on this document.

24 MS. FLOWERS: Objection to

1 the speaking objections again.

2 BY MR. POUNIAN:

3 Q. Sir, can you tell us --

4 INTERPRETER MIKHAIL: No,

5 interpreter's interpreted -- he

6 can only answer pertaining to

7 what's on the document.

8 Interpreter thought this

9 instruction was from the attorney

10 to the witness.

11 BY MR. POUNIAN:

12 Q. Sir, can you tell us what

13 these calls were between the number

14 registered to Fahad al-Thumairy and the

15 numbers registered to you during the --

16 on these 22 calls between December 6th,

17 1999, and February 4th, 2000?

18 MR. SHEN: Objection.

19 Mischaracterizes the record.

20 Asked and answered multiple times.

21 THE WITNESS: I do not

22 remember, no.

23 BY MR. POUNIAN:

24 Q. [REDACTED]

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1 MR. POUNIAN: [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 BY MR. POUNIAN:

7 Q. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 MR. SHEN: [REDACTED]

11 [REDACTED]

12 BY MR. POUNIAN:

13 Q. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 Q. [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 A. [REDACTED]

21 MR. POUNIAN: [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 - - -

[REDACTED]

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BY MR. POUNIAN:

Q.

A.

Q.

A.

MR. POUNIAN:

BY MR. POUNIAN:

Q.

A.

Q.

A.

Q.

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[REDACTED]

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A.

[REDACTED]

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Q.

[REDACTED]

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[REDACTED]

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A.

[REDACTED]

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Q.

[REDACTED]

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[REDACTED]

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A.

[REDACTED]

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Q.

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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A.

[REDACTED]

14

MR. POUNIAN:

[REDACTED]

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[REDACTED]

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VIDEO TECHNICIAN:

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

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- - -

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[REDACTED]

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[REDACTED]

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MS. PRITSKER:

[REDACTED]

[REDACTED]

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1 [REDACTED] [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 VIDEO TECHNICIAN: [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 - - -

11 [REDACTED]

12 [REDACTED]

13 - - -

14 VIDEO TECHNICIAN: [REDACTED]

15 [REDACTED]

16 BY MR. POUNIAN:

17 Q. [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A. [REDACTED]

22 Q. [REDACTED]

23 [REDACTED]

24 [REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. SHEN:

[REDACTED]

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[REDACTED]

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THE WITNESS:

[REDACTED]

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[REDACTED]

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VIDEO TECHNICIAN:

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. POUNIAN:

[REDACTED]

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[REDACTED]

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VIDEO TECHNICIAN:

[REDACTED]

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[REDACTED]

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[REDACTED]

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MS. PRITSKER:

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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22

BY MR. POUNIAN:

23

Q. Did Nawaf and Khalid move

24

into the Parkwood Apartments?

[REDACTED]

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1 A. Yes. They rented in
2 Parkwood.

3 Q. And do you recall when they
4 moved into the building?

5 A. No, I don't remember.

6 Q. Where was their apartment?

7 A. It was on the same line
8 where my apartment was.

9 Q. And did you visit their
10 apartment when they moved in?

11 A. No.

12 Q. Did you ever visit their
13 apartment?

14 A. I did not visit. But there
15 was an occasion where there was an
16 honoring of volunteers at the mosque and
17 there were families, so we had to take
18 their apartment to accommodate everyone.

19 Q. And who had to take their
20 apartment to accommodate everyone?

21 A. So there was an occasion at
22 my apartment, at my place, where families
23 came -- where people came and they
24 brought their families with them.

1 Part of the families were
2 females. And we have separation, where
3 men and women don't mingle. So the
4 people had to go and request for them to
5 use the apartment for the night to have
6 dinner. So they did not approve easily,
7 but eventually they approved.

8 Q. And why do you say "they did
9 not approve easily"?

10 A. They did not want to.

11 Q. They told you that?

12 A. No. The people that brought
13 their families with them, they went and
14 they asked them, we need the apartment
15 because we have people, the families with
16 us.

17 At the beginning they said
18 no. But when they saw the people coming,
19 eventually they said okay, fine, no
20 problem.

21 Q. Isn't it true, sir, that you
22 asked Khalid and Nawaf if male guests
23 could congregate in their apartment?

24 A. It wasn't me. It was the

1 people that brought their families with
2 them. They asked them to use the
3 apartment and eventually they said okay.

4 MR. POUNIAN: Show the
5 witness Exhibit-703, Page 1064,
6 please.

7 BY MR. POUNIAN:

8 Q. Sir, we're going to show you
9 that same FBI interview report regarding
10 the August 2003 interview they conducted
11 of you.

12 MR. POUNIAN: And if we go
13 to Page 1064, which should be ten
14 pages into the document. If we
15 could highlight the second full
16 sentence there, Because the female
17 guests.

18 BY MR. POUNIAN:

19 Q. It states, Because the
20 female guests would be in the own
21 apartment -- his own apartment with his
22 wife, al-Bayoumi asked Khalid and Nawaf
23 if male guests could congregate in their
24 apartment.

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1 Do you see that, sir?

2 A. Yes. Their apartment did
3 not have furniture. But it's the people
4 that brought their families that asked
5 them. And I was one of them.

6 Q. So you were there and you
7 were part of the group that asked them;
8 is that right?

9 A. Yes, yes.

10 Q. So you did ask them if
11 the -- this event could be held at their
12 apartment, right?

13 A. So it's not that I went and
14 asked ahead. It was what happened. The
15 occasion was ongoing, people came and
16 they brought their families with them.
17 So the women were inside the apartment
18 and the men had to step outside.

19 So when they saw the men
20 stepping outside, we went and asked them,
21 can we use them. At the beginning they
22 said no. But eventually they said fine.
23 It's what happened.

24 MR. POUNIAN: If we could

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1 mark FBI 4015 through -- actually,
2 it starts at FBI 4013 to 4018 as
3 an exhibit, please.

4 - - -

5 (Whereupon, Exhibit
6 al-Bayoumi-707, FBI 4013-4018, was
7 marked for identification.)

8 - - -

- Filed publicly -
Pls. Ex. 10K (MPS2023-059)
VIDEO EXHIBIT

9 BY MR. POUNIAN:

10 Q. Did you videotape the party
11 that was held, sir?

12 A. Yes, yes.

13 Q. And did you operate the
14 video yourself?

15 A. I and Osama and a group of
16 people were present, each of us took
17 their turn.

18 Q. And have you seen that
19 video?

20 A. Yes.

21 Q. When is the last time you
22 saw it?

23 A. When I handed it to the
24 British police.

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1 MR. POUNIAN: Now if we
2 could turn to the next page of
3 this exhibit, 4014.

4 BY MR. POUNIAN:

5 Q. Can you identify this man?

6 A. Yes.

7 Q. And who is that?

8 A. This is a Kurdish Imam that
9 would serve the Kurdish community.

10 MR. POUNIAN: Turn to the
11 next page.

12 BY MR. POUNIAN:

13 Q. Can you identify who this
14 is?

15 A. No.

16 Q. Were Nawaf and Khalid at the
17 party that was held at their apartment?

18 INTERPRETER MIKHAIL:
19 Counsel, can you please repeat?
20 He was present at the party?

21 BY MR. POUNIAN:

22 Q. Were Nawaf and Khalid at the
23 party that was at their apartment?

24 A. They were present, but they

1 did not want to be in the pictures. They
2 went inside when the pictures were taken.

3 Q. Did you talk with them at
4 the party?

5 A. No. They were among the
6 present, those present.

7 Q. And did you thank them for
8 having the party at their apartment?

9 A. I don't remember, but I
10 presume so. But I don't remember.

11 Q. Do you know a man named
12 Hashim Al Attas?

13 A. Yes, Hashim Al Attas.

14 Q. And who is Hashim Al Attas?

15 A. (In English) I forgot the
16 name. Language institute.

17 (Through Interpreter) He was
18 my colleague at the institution. I
19 forgot the name. Language institute.

20 Q. And did you become aware
21 that Khalid and Nawaf lived at his
22 apartment?

23 A. I don't remember.

24 Q. Do you remember placing

1 phone calls to Hashim Al Attas?

2 A. Hashim Al Attas was my
3 colleague, but I don't remember when I
4 called or whatnot.

5 Q. Did you ever let anyone use
6 your cell phone, sir?

7 A. Ever? Yes.

8 Q. And who was that?

9 A. Yes. When I go home --
10 usually when I go home, my cell phone is
11 usually with my kids. And then the kids
12 go out to the pool or to the mosque and
13 the colleagues, anybody who wants to make
14 a phone call, I let them. They do. It's
15 normal.

16 Q. And did you let Nawaf and
17 Khalid use your cell phone?

18 A. Me, personally, I don't
19 think so. But I don't remember.

20 Q. Did you see Nawaf and Khalid
21 at the Parkwood Apartments after the
22 party?

23 A. The time -- it was a very
24 short period of time during that time. I

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1 would see them when I would be on my way
2 to the mosque or on my way back. Yes, I
3 would see them.

4 Q. And where did you see them?

5 A. I would see them by the pool
6 with my children or when I was in the
7 apartment, because it had glass windows
8 and it's open to the outside. The
9 inside -- those inside can view the
10 outside and vice versa.

11 Q. Did you see them at the
12 mosque?

13 A. At times.

14 Q. And did you see them -- what
15 mosques did you see them at in San Diego?

16 A. I would see them at the
17 Islamic Center. But at times; they did
18 not pray there all the time, at times.

19 Q. Where else did they pray?

20 A. I do not know. I would be
21 home. I don't know.

22 INTERPRETER MIKHAIL:

23 Interpreter corrects.

24 THE WITNESS: Perhaps at the

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1 home. I don't know.

2 BY MR. POUNIAN:

3 Q. Did you see Khalid or Nawaf
4 at the fitness center at the Parkwood
5 Apartments?

6 A. I don't know.

7 Q. Well, you told the 9/11
8 Commission that you saw Nawaf at the
9 fitness center.

10 MR. SHEN: Objection.

11 BY MR. POUNIAN:

12 Q. Do you remember that?

13 A. No, I don't remember. No.

14 MR. POUNIAN: Can we mark
15 the MFR exhibit as the next
16 exhibit.

17 - - -

18 (Whereupon, Exhibit
19 al-Bayoumi-708, MA153-161,
20 Memorandum for the Record, was
21 marked for identification.)

22 - - -

23 MS. INT-HOUT: Pardon my
24 interruption. This an FBI

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1 document?

2 MR. POUNIAN: No.

3 VIDEO TECHNICIAN: I'll let
4 them back in. One moment.

5 All right. Everyone should
6 be back in.

7 - - -

8 (End of FBI Protected
9 Material.)

10 - - -

11 MR. POUNIAN: What exhibit
12 number do we have here?

13 COURT REPORTER: 708.

14 MS. PRITSKER: DIB counsel
15 was excluded at approximately 1:52
16 p.m. Eastern and is now back in
17 the deposition.

18 MR. POUNIAN: If we can turn
19 to Page 5, please. The very end
20 of the bottom paragraph, it says,
21 OAB recalls. On Page 5. Up.
22 Just the very last part of this --
23 the next paragraph up. The very
24 bottom of the paragraph there.

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1 BY MR. POUNIAN:

2 Q. OAB recalls seeing Nawaf
3 work out on a stationary bike in the
4 fitness center of the complex.

5 Do you remember that, sir?

6 A. It's possible, perhaps. But
7 I cannot recall now.

8 Q. And do you remember going to
9 their apartment with your son to say
10 hello to them?

11 A. So like I mentioned before,
12 their apartment had big glass and it was
13 open to the outside. And if we would see
14 them -- we would see them by the
15 apartment or by the pool. Also their
16 apartment was open, the glass was open.
17 And it had no furniture inside.

18 So it's normal if we see
19 them, we greet them. We would say peace
20 be on you and they would greet us back,
21 peace be on you as well.

22 Q. And did you go to their
23 apartment to say hello?

24 A. No, I didn't go to the

This Transcript Contains Confidential Material

1 apartment to see them.

2 MR. POUNIAN: If we could
3 put before the witness
4 Exhibit-703, please.

5 MS. INT-HOUT: This is FBI.

6 VIDEO TECHNICIAN: We need
7 to go on the FBI record. One
8 moment. We're going to move into
9 the FBI room.

10 MS. PRITSKER: DIB counsel
11 is now being excluded from the
12 record.

13 - - -

14 (FBI Protected Material.)

15 - - -

16 VIDEO TECHNICIAN: Stand by.
17 Okay.

18 MR. POUNIAN: If we could go
19 to the -- go to Page 1067. This
20 should be 13 pages into the
21 document, I think. There you go.
22 And it's the second -- right
23 there. Just that second sentence
24 in that paragraph there, On a few

1 occasions.

2 BY MR. POUNIAN:

3 Q. Did you tell the FBI, sir,
4 that on a few occasions, you and your
5 oldest son visited Nawaf and Khalid in
6 their apartment to say hello?

7 A. No. It didn't make sense
8 because they were next to us, you could
9 just pass by and say peace be on you.
10 They didn't have any furniture or
11 anything.

12 Q. And when you say "they were
13 next to us," how far away were they from
14 your apartment?

15 A. I believe one house away.
16 (In English) One house. I
17 think it was one house. But I don't
18 know.

19 (Through Interpreter) I
20 believe one house.

21 Q. And did you -- were you
22 aware that they had moved into the
23 apartment of Hashim Al Attas at one time?

24 A. No -- yes, but they were

1 trying to avoid me. Because they were in
2 the habit of making jokes or joking
3 around using the physical gestures. And
4 that was something I didn't like.

5 I didn't want my children to
6 mix with them so that they don't pick up
7 those habits. And when they learned
8 that, they started avoiding me.

9 Q. How did you learn that
10 they -- how did you become aware that
11 they had moved into the apartment of
12 Hashim Al Attas?

13 MR. SHEN: Objection. I
14 think you're misstating his
15 testimony. You might want to
16 clarify that.

17 MR. POUNIAN: Let him
18 clarify it.

19 MR. SHEN: Objection.
20 Misstating the record.

21 THE WITNESS: I was away in
22 Washington, D.C., for a while. I
23 was attending George Washington
24 University. And when I came back,

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1 I was advised at the mosque that
2 they moved away. They already
3 moved away.

4 BY MR. POUNIAN:

5 Q. And when did you go to
6 George Washington University?

7 A. I don't remember, but it was
8 in 2000.

9 Q. Was it after the -- after
10 Nawaf and Khalid had moved into the
11 Parkwood Apartments?

12 A. Yes.

13 Q. And how long did you go --
14 was this -- did you attend George
15 Washington University in Washington?

16 A. Yes.

17 Q. And how long did you go to
18 Washington on that trip?

19 A. I don't remember exactly.
20 But perhaps 15 days to a month, maybe a
21 little less. Something like that. I had
22 to take some courses, which I did, and
23 came back.

24 Q. And this was after the time

1 Nawaf and Khalid moved into Parkwood
2 Apartments and before you left San Diego
3 to go to Saudi Arabia?

4 A. Not from San Diego, from
5 Washington.

6 Q. You may have misunderstood
7 my question.

8 I'm just asking -- I'm
9 trying to get the time when you were in
10 Washington.

11 Am I correct that you went
12 to Washington after Nawaf and Khalid
13 moved into the Parkwood Apartments and
14 before you left San Diego to go to Saudi
15 Arabia later that year?

16 A. Yes, yes.

17 Q. And how many courses did you
18 take at George Washington University
19 during that time?

20 A. I don't remember. They are
21 all on the C.V.

22 Q. And where did you stay when
23 you were in Washington?

24 A. (In English) At a hotel.

This Transcript Contains Confidential Material

1 (Through Interpreter) At the
2 hotel.

3 Q. Which one?

4 A. (In English) I don't know.
5 I forgot the name of the hotel. Close --
6 close to the -- what do you call it?
7 Because we held the courses at Watergate.

8 Q. The Watergate building in
9 Washington?

10 A. The courses were given at
11 Watergate building, and I stayed nearby.
12 I walked back and forth.

13 MR. POUNIAN: If we could
14 show the witness Exhibit-681,
15 please.

16 And if we could -- we could
17 just expand the -- thank you.

18 BY MR. POUNIAN:

19 Q. So can you tell us which is
20 the course that you took, sir, when you
21 were in Washington?

22 A. I don't remember. I don't
23 remember.

24 Q. Well, the only course that

1 you took after Nawaf and Khalid moved
2 into the Parkwood Apartments was -- the
3 date here on the certificate is March
4 3rd, 2000.

5 Do you see that, sir?

6 A. I see it. But I don't
7 remember exactly.

8 Q. Well, that's the only course
9 you could have taken after they moved
10 into the Parkwood Apartments?

11 A. Possibly.

12 MR. POUNIAN: Well, could we
13 go to the next-to-last page of
14 this exhibit, please. Expand
15 that, please.

16 BY MR. POUNIAN:

17 Q. The certificate that you
18 received for that course shows that the
19 course was given in San Diego, sir, not
20 in Washington, D.C.

21 Am I correct, sir, that you
22 never went to Washington in the year 2000
23 after Nawaf and Khalid moved into the
24 Parkwood Apartments?

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1 MR. SHEN: Objection to the
2 form.

3 THE WITNESS: That's
4 incorrect. That course I may have
5 taken in San Diego, yes.

6 BY MR. POUNIAN:

7 Q. Well, according to the
8 George Washington University records,
9 there's no record of you going to a
10 course in Washington in year 2000.

11 How can you explain that?

12 MR. SHEN: Objection to the
13 form.

14 THE WITNESS: There was an
15 institute which was affiliated
16 with George Washington University.
17 And it issued certificates in
18 project management.

19 BY MR. POUNIAN:

20 Q. Go to the next page, sir.

21 First of all, do you see the
22 date that you took this course in San
23 Diego, from February 28th to March 3rd?

24 A. Yes, I see.

1 Q. And if we go to the next
2 page, which is the certificate you
3 received.

4 It's dated March 3rd, 2000?

5 A. Yes.

6 Q. And you told the FBI the
7 same story about going to Washington,
8 D.C., after Nawaf and Khalid moved into
9 the Parkwood Apartments, didn't you, sir?

10 MR. SHEN: Objection.

11 THE WITNESS: Yes, I did go
12 to Washington after they moved in,
13 but I don't recall the exact
14 dates. Then I returned later.

15 BY MR. POUNIAN:

16 Q. Sir, we reviewed your
17 financial records, and there's no record
18 of you ever placing any charges or ever
19 being in Washington, D.C., at that time,
20 in February or March of 2000.

21 Can you explain that?

22 MR. SHEN: Objection.

23 Mischaracterizes the record. Are
24 you making a representation based

1 on your own work product?

2 MR. POUNIAN: We'll get the
3 records out and show you if you
4 want -- if you want to waste
5 another half hour on the record.
6 But I can do that.

7 MR. SHEN: You can use your
8 remaining time however you'd like.
9 I'm objecting.

10 MS. FLOWERS: Objection to
11 speaking objections.

12 INTERPRETER ABDEL-RAHMAN:
13 I'm not sure, Mr. Pounian, am I
14 supposed to interpret the
15 objection or no?

16 MR. POUNIAN: Let me ask a
17 question, and you don't need to
18 interpret anything. I'll ask a
19 new question.

20 BY MR. POUNIAN:

21 Q. Did you pay for your trip to
22 Washington, sir?

23 A. Yes, yes.

24 Q. And did you use your credit

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1 card for the hotel there?

2 A. I don't remember.

3 Q. And you don't remember where
4 you stayed?

5 A. I stayed at the hotel close
6 to the Watergate building.

7 Q. You say that you attended
8 George Washington University for your
9 project management course; is that right?

10 A. Yes. The courses were given
11 at Watergate.

12 Q. Sir, did you know Anwar
13 Aulaqi?

14 A. Anwar Aulaqi was a mosque
15 Imam.

16 Q. Did you know him when you
17 were in San Diego?

18 A. I knew he was an Imam, yes.

19 Q. And did you know him -- had
20 you met him in person?

21 A. No.

22 Q. Did you have contact with
23 him either in person or on the phone?

24 A. I don't remember.

1 Q. Sir, didn't you tell the
2 9/11 Commission that you had contact with
3 Anwar Aulaqi with whom you discussed
4 religious matters and ideas?

5 MR. SHEN: Objection to
6 form.

7 THE WITNESS: Religious
8 matters and ideas? No.

9 What may have happened is
10 that one of the worshippers had a
11 question and I directed him to
12 Anwar or to the other Imam of the
13 Islamic Center Abu Bakr.

14 But discussions -- religious
15 discussions between the two of us,
16 no.

17 MR. POUNIAN: If we can show
18 the witness Exhibit-708, please.
19 Go to Page 6 and highlight the
20 paragraph just above, Involvement
21 in San Diego mosques. It's down
22 below. Further down. It says,
23 Similarly. That paragraph. Up
24 above that. There you go. Thank

1 you.

2 BY MR. POUNIAN:

3 Q. The 9/11 Commission
4 memorandum states that you conceded
5 having had contact with Anwar Aulaqi,
6 with whom you discussed religious matters
7 and ideas similar to those you discussed
8 with other Imams.

9 Do you recall telling that
10 to the 9/11 Commission?

11 A. No. It might have been a
12 question. But discussion in religious
13 matters, no. I did not have time, to
14 begin with, to discuss religious matters.
15 I was busy with my studies.

16 Q. What studies?

17 A. My studies in America,
18 university studies.

19 Q. What studies were you
20 carrying out in the year 2000, sir, in
21 San Diego?

22 A. In San Diego, I had
23 courses -- I was taking courses,
24 community college courses. And I was

1 also preparing for my Ph.D. I was doing
2 research and was preparing myself for
3 admittance at the university, whether
4 either in the United States or Great
5 Britain, in addition to the project
6 management certificate courses.

7 Q. Well, the one record we
8 received, sir, was the project management
9 certificate of a course you took in San
10 Diego over a course of four days in
11 February, at the end of February, early
12 March 2000.

13 Are you aware of any other
14 certificates that you received for any
15 schooling during the year 2000?

16 A. I don't remember. But if
17 you go back to the records, you will find
18 some, for sure.

19 Q. Well, none have been
20 produced to us by the Kingdom of Saudi
21 Arabia.

22 MR. POUNIAN: If there are
23 any, we demand that they be
24 produced.

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1 BY MR. POUNIAN:

2 Q. Sir, do you know a man named
3 Mohdar Abdullah?

4 MR. BEETAR: Mohdar
5 Abdullah.

6 THE WITNESS: Yes.

7 BY MR. POUNIAN:

8 Q. And where did you know
9 Mohdar Abdullah?

10 A. From the mosque.

11 Q. Which mosque?

12 A. Islamic Center in San Diego.

13 Q. And did you also know him at
14 the Al-Madina Mosque?

15 A. No. Occasionally he came to
16 Al-Madina Mosque. Very rarely.
17 Sometimes. When there were dinners in
18 Ramadan, he showed up sometimes.

19 Q. And did you see Mohdar
20 Abdullah with Nawaf and Khalid?

21 A. No.

22 Q. Now, Mohdar Abdullah
23 testified in this case that when he first
24 met Nawaf and Khalid, he was at a mosque

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1 and that you were there.

2 Do you recall seeing Mohdar
3 Abdullah with Nawaf and Khalid at a
4 mosque?

5 A. I don't recall.

6 Q. Well, you just said earlier
7 that you did not see Mohdar Abdullah
8 with Nawaf and Khalid, and now you're
9 saying you don't recall.

10 What is it, sir?

11 A. If you realize that at the
12 mosque there would be, like, 100 persons,
13 how could one possibly tell if this man
14 was here, that man was there or was not.
15 You cannot -- you cannot know.

16 Q. Mohdar Abdullah remembered
17 you and only you out of a group of people
18 who was there when he met with Nawaf and
19 Khalid.

20 MR. SHEN: Objection to
21 form. Mischaracterizes the
22 testimony.

23 THE WITNESS: He was a poor
24 person and we showed him sympathy.

1 We wanted to share meals with him
2 at the mosque.

3 And the Kurdish community
4 made food and shared meals. They
5 invited him to share meals with
6 them. And he came to share meals.

7 And of course he knew me
8 because I was always on the move,
9 coming in and going out.

10 BY MR. POUNIAN:

11 Q. Well, do you remember any
12 contacts with Mohdar Abdullah other than
13 showing him sympathy and sharing -- and
14 as a result sharing meals with him?

15 A. No.

16 Q. And did you see Mohdar
17 Abdullah at the Al-Rribaah Mosque?

18 A. I very rarely went to
19 Al-Rribaah Mosque, maybe once a year or
20 so.

21 (In English) Al-Rribaah is
22 far away from my home.

23 MR. POUNIAN: If we could
24 show the witness, please, Exhibit

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1 FBI -- not FBI, but it's an FBI
2 exhibit -- 703.

3 MS. INT-HOUT: And, I'm
4 sorry, we're ready?

5 MR. POUNIAN: Ready for
6 showing an FBI exhibit.

7 VIDEO TECHNICIAN: Yes, we
8 never left.

9 MR. POUNIAN: I didn't think
10 so.

11 Let's go to the last page,
12 1068, please. About three pages
13 up. If we could highlight just
14 the second sentence there.

15 BY MR. POUNIAN:

16 Q. This is from your interview
17 that was conducted in August of 2003 with
18 the FBI.

19 It states that, al-Bayoumi
20 recalled seeing Abdullah, Mohdar
21 Abdullah, with Khalid and Nawaf at the
22 mosque.

23 Did you tell the FBI that
24 you recalled seeing Abdullah, Mohdar

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1 Abdullah, with Khalid and Nawaf at the
2 mosque?

3 A. No. The way this phrase is
4 worded is incorrect.

5 Q. You're saying this is not a
6 correct statement in the FBI report?

7 A. Perhaps it's wrongly worded.

8 Q. How would you correct the
9 wording?

10 A. I do not know. Perhaps I
11 saw Khalid, Abdullah and Nawaf during the
12 Eid. It's possible, but I don't remember
13 seeing them in specific.

14 Q. What recollection do you
15 have of seeing them during some type of
16 holiday?

17 A. I don't remember
18 specifically.

19 Q. Well, when you say Eid, what
20 Eid are you referring to? Eid al-Fitr or
21 Eid al-Adha?

22 A. I don't remember.

23 Q. Did Nawaf call you on the
24 phone?

1 A. No. There's no
2 relationship. There's no relationship
3 between us. I don't remember him
4 calling.

5 Q. Did you give Nawaf your
6 phone number?

7 A. Perhaps. Perhaps in the
8 beginning, yes. It's in the phone book.

9 Q. Well, the records that were
10 produced to us by the FBI showed that
11 there's a phone call from the phone
12 registered to Nawaf Hazmi's cell phone to
13 your cell phone on March 9th, 2000, and a
14 second call on March 17th, 2000.

15 MR. SHEN: Objection. Is
16 that your representation?

17 MR. POUNIAN: It is. And I
18 haven't finished my question yet.

19 BY MR. POUNIAN:

20 Q. Did you receive those phone
21 calls from Nawaf al-Hazmi?

22 MR. SHEN: Objection.

23 BY MR. POUNIAN:

24 Q. Or get a message from Nawaf

1 al-Hazmi?

2 MR. SHEN: Same objection.

3 THE WITNESS: I don't

4 remember.

5 BY MR. POUNIAN:

6 Q. Do you recall a time when --
7 how long did Nawaf and Khalid live in the
8 Parkwood Apartments?

9 A. I don't know how long they
10 stayed. But I know that they stayed for
11 15 days and then they left. They did not
12 even remain for the full month that they
13 paid for.

14 Q. And where did they go?

15 A. (In English) I don't know.

16 (Through Interpreter) I
17 don't know.

18 Q. And did they return to
19 Parkwood after that time?

20 A. I don't know. I was not
21 following on them whether they are going
22 or coming. But what I know, when I came
23 back from Washington, they had moved.

24 Q. And when did you get back

1 from Washington?

2 A. After I finished a course.

3 Q. And when was that?

4 A. I don't remember.

5 Q. And you said you know that
6 they stayed for 15 days.

7 How do you know that?

8 A. Because I was present during
9 that time. Then I left, and I was
10 informed that they left -- that they also
11 left.

12 Q. And did you leave -- and
13 where did you leave for?

14 A. (In English) I went to
15 Washington.

16 (Through Interpreter) I went
17 to Washington.

18 Q. And had they left Parkwood
19 before you went to Washington?

20 A. When I came back, I was told
21 that they left. But I don't remember.

22 Q. But you said, I was present
23 during that time. Then I left and I was
24 informed that they left -- that they also

1 left.

2 So who informed you?

3 A. I found out from the mosque.

4 Q. Who at the mosque?

5 A. Abu Bakr -- the Islamic
6 Center and also from Abu Bakr Masjid.

7 (In English) Same name.

8 MR. BEETAR: It's the same.

9 It's the same. Islamic Center and
10 Abu Bakr are both the same name --
11 same location, I mean. The same
12 venue -- I mean the same mosque.

13 BY MR. POUNIAN:

14 Q. Are you saying, sir -- are
15 you testifying here today that they lived
16 at the Parkwood Apartments only for 15
17 days, Nawaf and Khalid?

18 A. So I don't know specifically
19 whether it was 15 days. Approximately.
20 I found out. But I don't remember, and I
21 don't keep track whether they came and
22 they go. But approximately they remained
23 there for 15 days.

24 Q. So your testimony is they

1 were only at the Parkwood Apartments for
2 that period of time, around 15 days; is
3 that right?

4 A. Fifteen days, maybe 18 days,
5 maybe a little bit less than a month,
6 maybe a little bit less than that amount
7 of days. Somewhere along the lines.

8 But you can ask the manager
9 at the Parkwood Apartments how long
10 exactly they remained.

11 Q. And where did they go?

12 A. I do not know.

13 Q. You don't recall
14 testifying -- excuse me.

15 You don't recall telling the
16 FBI that they went, for some period of
17 time, to the apartment of Hashim Al
18 Attas?

19 A. That's what I heard from the
20 community, but I'm not sure. Am I sure?
21 No.

22 Q. And then do you recall that
23 they returned to the Parkwood?

24 A. No.

1 Q. Do you recall a time when
2 they moved to the home of Dr. Abdussattar
3 Shaikh?

4 A. No.

5 MR. POUNIAN: If we could
6 show the witness Page 1067 of the
7 document that's in front of us
8 now. And the first sentence of
9 the first full paragraph there,
10 you could highlight that.

11 Thank you.

12 BY MR. POUNIAN:

13 Q. Do you recall telling the
14 FBI in August of 2003 that, upon your
15 return from Saudi Arabia, you recalled
16 hearing that Khalid and Nawaf had moved
17 from the Parkwood Apartments to the
18 residence of Dr. Abdussattar Shaikh?

19 A. Right now I don't remember.
20 Right now I don't remember.

21 But I remember hearing from
22 the community at the mosque, they said
23 that they had moved. But I don't really
24 remember because this did not pertain to

1 me to start with.

2 Q. Well, you were detained,
3 sir, weren't you, after the 9/11 attacks?
4 And you were then interviewed by the FBI
5 and made this statement in 2003.

6 And you're saying now that
7 you don't recall that Khalid and Nawaf
8 moved from the Parkwood Apartments to the
9 residence of Dr. Shaikh?

10 MR. SHEN: Objection to the
11 preface of the question.

12 THE WITNESS: No, I don't
13 remember.

14 BY MR. POUNIAN:

15 Q. Did you go to the house of
16 Dr. Abdussattar Shaikh?

17 A. I don't remember.

18 Q. Yesterday I asked you, sir,
19 about visiting the King Fahad Mosque.
20 And you said you did not visit the mosque
21 with Dr. Abdussattar Shaikh.

22 Was that your testimony?

23 A. I don't remember. But I
24 remember that Dr. Abdussattar came and

1 visited me in my house. But whether I
2 went with him to his house in Los
3 Angeles, no, I don't remember that.

4 MR. POUNIAN: Can we turn to
5 Page 1060 of the exhibit in front
6 of us now, and the very first full
7 sentence on that page. Maybe we
8 have to start it on the page
9 before to give the context, which
10 is impossible to read, given what
11 the FBI did.

12 BY MR. POUNIAN:

13 Q. But it just states on one of
14 the occasions that you went to the King
15 Fahad Mosque, al-Bayoumi visited that
16 mosque with his eldest son Emad and Dr.
17 Abdussattar Shaikh.

18 Do you see that, sir?

19 A. Who said that?

20 Q. This is the FBI interview of
21 you from August of 2003. This is in the
22 report of that interview.

23 It states that you told them
24 that you visited the King Fahad Mosque

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1 with your eldest son and Dr. Shaikh.

2 A. I don't remember.

3 Q. Well, does looking at this
4 interview report help refresh your
5 recollection that you did go to the King
6 Fahad Mosque with Dr. Shaikh?

7 A. No.

8 MR. POUNIAN: Why don't we
9 take our break?

10 INTERPRETER MIKHAIL: Thank
11 you. We'll be back in 15 minutes?

12 MR. POUNIAN: We have to
13 discuss it among the lawyers. We
14 may be breaking for the day.

15 VIDEO TECHNICIAN: I'm
16 letting everyone back in from the
17 FBI room.

18 - - -

19 (End of FBI Protected
20 Material.)

21 - - -

22 MR. SHEN: How much time do
23 we have on the record, please?

24 VIDEO TECHNICIAN: In

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1 counting, 12 hours and 37 minutes.

2 Do you want to go off the
3 video record?

4 MR. POUNIAN: Yes.

5 VIDEO TECHNICIAN: This ends
6 today's deposition. We're going
7 to go off the video record --

8 MS. PRITSKER: David, I'm
9 sorry, can I just say that DIB
10 counsel -- I just have a really
11 quick, you know.

12 DIB counsel was excluded at
13 approximately 2:15 p.m. Eastern.
14 It was just now admitted back into
15 the deposition. Thank you.

16 MR. SHEN: Let's take ten
17 minutes.

18 VIDEO TECHNICIAN: Going off
19 the record, 3:05 p.m.

20 - - -

21 (Whereupon, a brief recess
22 was taken.)

23 - - -

24 VIDEO TECHNICIAN: We're

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1 back on the record at 3:41 p.m.

2 BY MR. POUNIAN:

3 Q. Sir, did you know a man
4 named Omar Abdi Mohammad?

5 A. No.

6 Q. Did you know a man named
7 Omar al-Khatib?

8 A. No.

9 MR. POUNIAN: Can we go on
10 the FBI record?

11 VIDEO TECHNICIAN: I'm going
12 to move everyone into the FBI
13 room.

14 MR. POUNIAN: Show the
15 witness --

16 VIDEO TECHNICIAN: Hold on.

17 MR. POUNIAN: I'm just
18 trying to get --

19 MS. PRITSKER: DIB counsel
20 is now being excluded from the
21 record.

22 Thank you.

23 MS. INT-HOUT: In the
24 meantime, what exhibit number is

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1 it?

2 MR. POUNIAN: 518.

3 MS. INT-HOUT: Let me know
4 when it's okay.

5 VIDEO TECHNICIAN: All
6 right, we're good.

7 - - -

8 (FBI Protected Material.)

9 - - -

10 MR. POUNIAN: Go to the
11 seventh page in, it's 1299. And
12 can you highlight the Omar
13 al-Khatib listing, please? Right
14 underneath Omar al-Bayoumi.

15 BY MR. POUNIAN:

16 Q. Do you see the listing for
17 Omar al-Khatib right underneath your
18 name, sir?

19 A. Yes.

20 Q. And who is Omar al-Khatib?

21 A. (In English) I don't know.

22 (Through Interpreter) I

23 don't know.

24 Q. Do you know a Somali Sheikh

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1 in San Diego?

2 A. No, I don't.

3 Q. Had you heard of an
4 organization called the Western Somali
5 Relief Agency?

6 A. No.

7 Q. Had you had any contacts
8 with any Somali charities in California?

9 A. Not at all. Not any other
10 charities.

11 Q. Did you have any contacts
12 with any charities in California?

13 A. No.

14 Q. Did you receive any
15 donations from any charities in
16 California?

17 A. We don't accept any
18 donations.

19 Q. And who is "we" in that
20 sentence, sir?

21 A. I mean myself and Saad
22 Habib.

23 Q. And why was that?

24 A. We don't accept because he

1 was taking care of the operation.

2 Q. And when you say "taking
3 care of the operation," he was -- the
4 funds were all coming from him is what
5 you're saying?

6 A. Yes. He was the one who
7 supported the mosque. He's the owner.

8 Q. Did you know a man named
9 Sharif Battakhi in San Diego?

10 A. Yes.

11 Q. And what was your
12 relationship with Sharif Battakhi?

13 A. I didn't have a relationship
14 with him, but I knew he was at the
15 mosque, at the Islamic Center.

16 Q. If we turn to your phone
17 book, just the page in front of you right
18 now, if we go down to the very bottom of
19 that page, there's a listing, the second
20 from the bottom, for The Saudi American
21 Bank with an account number.

22 Do you see that, sir?

23 A. Yes.

24 Q. And you had an account at

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1 The Saudi American Bank; am I right?

2 A. Yes.

3 Q. Is that your account number?

4 A. I don't recall.

5 MR. POUNIAN: And if we
6 could go up to the third page of
7 this document, FBI 1295.

8 BY MR. POUNIAN:

9 Q. And there's a list for Bank
10 of America. And there's an account
11 number listed there.

12 Do you see that, sir?

13 And we previously showed
14 your account number, which is the same
15 number on this particular sheet.

16 Can you identify that as
17 your account number, sir?

18 A. No.

19 Q. You testified before that
20 this phone list was set out in public at
21 the mosque; is that right?

22 A. There was at the beginning.
23 Part of it was outside, and there was a
24 sheet that later on names were input by

1 computer.

2 Q. Why was your personal
3 banking information on a sheet that would
4 be shared with others?

5 MR. SHEN: Objection.

6 THE WITNESS: I don't know.

7 That was mine. But then they
8 started adding names and adding
9 names.

10 INTERPRETER ABDEL-RAHMAN:
11 Could the interpreter ask the
12 witness to repeat the last part of
13 his answer?

14 THE WITNESS: At the
15 beginning, I made that phone book
16 for myself. At the beginning.
17 Then the volunteers started to
18 come, every time they found a
19 page, they would add it. They
20 were helping me.

21 BY MR. POUNIAN:

22 Q. And you can't name any of
23 those volunteers, right?

24 A. I didn't know them. They

1 were from the Kurdish community. But
2 they were trying to help me. They were
3 always helping me with the computer, with
4 cleanliness, with food. They always
5 offered help.

6 Q. Did you know a man named
7 Yazid al-Salmi?

8 A. No.

9 Q. You didn't know him as the
10 nephew of Mohammad al-Salmi who worked at
11 the Presidency of Civil Aviation?

12 A. I didn't find out until I
13 went back to Saudi Arabia later.

14 Q. Find out what?

15 A. I learned that he was a
16 relative of al-Salmi's.

17 Q. And that who was a relative
18 of al-Salmi's?

19 A. This one, Yazid.

20 Five years later, after I
21 came to Saudi Arabia, I learned that he
22 was related to Mohammad al-Salmi.

23 Q. And you knew Yazid in San
24 Diego?

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1 A. No.

2 Q. What is it that you learned
3 five years later?

4 A. I just learned that he was
5 studying in America.

6 Q. You said, sir, that you
7 learned he was related to Mohammad
8 al-Salmi.

9 A. Yes.

10 Q. And did you know Yazid in
11 San Diego and then you learned five years
12 later that he was related to Mohammad
13 al-Salmi?

14 A. Yes.

15 Q. And did you take Yazid
16 al-Salmi to Dr. Shaikh's house for him to
17 find a place to stay?

18 A. No.

19 Q. Yazid al-Salmi said that to
20 the FBI.

21 Are you saying that's not
22 true?

23 MR. SHEN: Objection to
24 form.

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1 THE WITNESS: What does he
2 say?

3 BY MR. POUNIAN:

4 Q. He said that you took him to
5 Dr. Shaikh's house to find him
6 accommodation.

7 MR. SHEN: Objection to the
8 form.

9 BY MR. POUNIAN:

10 Q. That's what the interview
11 report of the FBI states.

12 A. That's incorrect. Dr.
13 Shaikh was willing to help anyone. He
14 liked students, Saudi Arabian students.
15 He liked to help anyone.

16 Q. And you knew that, sir,
17 right?

18 A. I knew it from Dr. Shaikh's
19 personality.

20 Q. And who did you know that
21 Dr. Shaikh had at his house when you were
22 in San Diego?

23 INTERPRETER ABDEL-RAHMAN:
24 What was the question again?

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1 BY MR. POUNIAN:

2 Q. I said, who did you know
3 that Dr. Shaikh had staying at his house
4 while you were in San Diego?

5 A. I didn't know.

6 Q. Did you know that Nawaf and
7 Khalid were at Dr. Shaikh's house?

8 A. No.

9 Q. Did you know, sir, that Adel
10 Al Sadhan was at Dr. Shaikh's house?

11 A. No.

12 Q. And Mutaeb al-Sudairy, you
13 didn't know that either?

14 A. No.

15 MR. POUNIAN: Can we go off
16 the record for just a second,
17 please?

18 VIDEO TECHNICIAN: Going off
19 the record at 3:59 p.m.

20 - - -

21 (End of FBI Protected
22 Material.)

23 - - -

24 MS. PRITSKER: [REDACTED]

This Transcript Contains Confidential Material

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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VIDEO TECHNICIAN: [REDACTED]

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[REDACTED]

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[REDACTED] [REDACTED]

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[REDACTED]

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MS. PRITSKER: [REDACTED]

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[REDACTED]

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[REDACTED] [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED] [REDACTED]

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[REDACTED]

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[REDACTED]

This Transcript Contains Confidential Material

1 MR. POUNIAN: [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 VIDEO TECHNICIAN: [REDACTED]

5 [REDACTED]

6 MR. POUNIAN: [REDACTED]

7 [REDACTED]

8 BY MR. POUNIAN:

9 Q. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 A. [REDACTED]

14 [REDACTED]

15 Q. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 A. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

[REDACTED]

This Transcript Contains Confidential Material

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 Q. [REDACTED]
10 A. [REDACTED]
11 [REDACTED]
12 Q. [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 A. [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED]

[REDACTED]

This Transcript Contains Confidential Material

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[REDACTED]

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[REDACTED]

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INTERPRETER ABDEL-RAHMAN:

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[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. POUNIAN: [REDACTED]

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[REDACTED]

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[REDACTED]

11 BY MR. POUNIAN:

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Q. [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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MR. POUNIAN: [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

22 BY MR. POUNIAN:

23

Q. [REDACTED]

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[REDACTED]

[REDACTED]

This Transcript Contains Confidential Material

1 [REDACTED]

2 [REDACTED]

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5 [REDACTED]

6 A. [REDACTED]

7 Q. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. [REDACTED]

11 MR. POUNIAN: [REDACTED]

12 [REDACTED]

13 BY MR. POUNIAN:

14 Q. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A. [REDACTED]

20 MR. POUNIAN: [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 BY MR. POUNIAN:

24 Q. [REDACTED]

[REDACTED]

This Transcript Contains Confidential Material

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[REDACTED]

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Q.

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Q.

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MR. POUNIAN:

[REDACTED]

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[REDACTED]

[REDACTED]

This Transcript Contains Confidential Material

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8 BY MR. POUNIAN:

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Q.

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MR. SHEN:

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MR. POUNIAN:

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MS. INT-HOUT:

This Transcript Contains Confidential Material

1

[REDACTED]

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MR. POUNIAN:

[REDACTED]

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MS. INT-HOUT:

[REDACTED]

4

MR. SHEN:

[REDACTED]

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[REDACTED]

6

COURT REPORTER:

[REDACTED]

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MS. INT-HOUT:

[REDACTED]

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[REDACTED]

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MR. SHEN:

[REDACTED]

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[REDACTED]

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MR. KRY:

[REDACTED]

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[REDACTED]

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MR. POUNIAN:

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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This Transcript Contains Confidential Material

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5 BY MR. POUNIAN:

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Q.

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Q.

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MR. POUNIAN:

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20 BY MR. POUNIAN:

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Q.

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This Transcript Contains Confidential Material

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[REDACTED]

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[REDACTED]

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MR. SHEN:

[REDACTED]

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[REDACTED]

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THE WITNESS:

[REDACTED]

[REDACTED]

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[REDACTED]

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BY MR. POUNIAN:

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Q.

[REDACTED]

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MR. SHEN:

[REDACTED]

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[REDACTED]

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THE WITNESS:

[REDACTED]

[REDACTED]

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[REDACTED]

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BY MR. POUNIAN:

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Q.

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[REDACTED]

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A.

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Q.

[REDACTED]

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[REDACTED]

[REDACTED]

This Transcript Contains Confidential Material

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INTERPRETER ABDEL-RAHMAN:

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THE WITNESS:

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INTERPRETER ABDEL-RAHMAN:

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BY MR. POUNIAN:

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Q.

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INTERPRETER ABDEL-RAHMAN:

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This Transcript Contains Confidential Material

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[REDACTED]

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THE WITNESS:

[REDACTED]

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[REDACTED]

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[REDACTED] [REDACTED]

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[REDACTED] [REDACTED]

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[REDACTED]

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BY MR. POUNIAN:

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Q.

[REDACTED]

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This Transcript Contains Confidential Material

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[REDACTED].

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Q.

[REDACTED]

[REDACTED]

This Transcript Contains Confidential Material

1 [REDACTED]

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6 [REDACTED]

7 A. [REDACTED]

8 Q. [REDACTED]

9 [REDACTED]

10 [REDACTED]

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12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 A. [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED]

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22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

[REDACTED]

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MR. POUNIAN:

MR. SHEN:

- - -

VIDEO TECHNICIAN:

MS. PRITSKER:

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1 Thank you.

2 VIDEO TECHNICIAN: This
3 marks the end of today's
4 deposition. We're going to go off
5 the record. The time is 4:24 p.m.

6 - - -

7 (Whereupon, the deposition
8 concluded at 4:24 p.m.)

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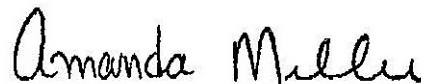
24

1 CERTIFICATE
2
3

4 I, Amanda Maslynsky-Miller, Certified Realtime
Reporter, do hereby certify that prior to the
commencement of the examination, OMAR
5 AL-BAYOUMI, was remotely sworn by me to
testify to the truth, the whole truth and
6 nothing but the truth.
7

8 I DO FURTHER CERTIFY that the foregoing is a
verbatim transcript of the testimony as taken
stenographically by me at the time, place and
9 on the date hereinbefore set forth, to the
best of my ability.
10

11 I DO FURTHER CERTIFY that I am neither a
relative nor employee nor attorney nor counsel
12 of any of the parties to this action, and that
I am neither a relative nor employee of such
13 attorney or counsel, and that I am not
financially interested in the action.
14

15 
16

Amanda Miller
17 Certified Realtime Reporter
Dated: June 21, 2021
18
19

(The foregoing certification of this
20 transcript does not apply to any reproduction
of the same by any means, unless under the
21 direct control and/or supervision of the
certifying reporter.)
22
23
24

1 INSTRUCTIONS TO WITNESS

2
3 Please read your deposition
4 over carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.

8 After doing so, please sign
9 the errata sheet and date it.

10 You are signing same subject
11 to the changes you have noted on the
12 errata sheet, which will be attached to
13 your deposition.

14 It is imperative that you
15 return the original errata sheet to the
16 deposing attorney within sixty (60) days
17 of receipt of the deposition transcript
18 by you. If you fail to do so, the
19 deposition transcript may be deemed to be
20 accurate and may be used in court.

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E R R A T A

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PAGE LINE CHANGE

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do
hereby certify that I have read the
foregoing pages, 1 - 279, and that the
same is a correct transcription of the
answers given by me to the questions
therein propounded, except for the
corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

OMAR AL-BAYOUMI

DATE

Subscribed and sworn
to before me this
_____ day of _____, 20____.

My commission expires: _____

Notary Public

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	LAWYER'S NOTES		
	PAGE	LINE	
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